

VOLUME 1 OF 1

COURT OF CRIMINAL APPEALS NO. CR 04-1101

APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS

FROM

CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

CIRCUIT COURT NO. CC 99-327.61

CIRCUIT JUDGE Hobbs

Type of Conviction / Order Appealed From: RULE 32

Sentence Imposed: _____

Defendant Indigent: ☒ YES ☐ NO

John W. Minnifield (AIS# 112145) John W. Minnifield
(Appellant's Attorney) (Telephone No.) NAME OF APPELLANT
(Address) Bullock Corr. Fac - P.O. Box 5107
Union Springs AL 36089-5107
(City) (State) (Zip Code)

V.

STATE OF ALABAMA

(State represented by Attorney General)

NAME OF APPELLEE

NOTE: If municipal appeal, indicate above, and enter
name and address of municipal attorney below.

(For Court of Criminal Appeals Use Only)

EXH. b.7 K

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ACRO370
OPER: TOR
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CASE ACTION SUMMARY
CIRCUIT CRIMINAL

CASE: CC 1999 000327.61

RUN DATE: 12/01/2004

JUDGE: SMG

THE CIRCUIT COURT OF MONTGOMERY

STATE OF ALABAMA

VS

MINNIFIELD JOHN WILLIE
BULLOCK CORR. FACILITYP.O. BOX 5107
UNION SPRINGS, AL 36089 0000

CASE: CC 1999 000327.61

DOB: 12/26/1939 SEX: M RACE: B HT: 5 11 WT: 185 HR: GRY EYES: BRO
SSN: 424509107 ALIAS NAMES: MINNIFELT JOHN W. MINNIFIELD WILLIECHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001
OFFENSE DATE: AGENCY/OFFICER: 0030100DATE WAR/CAP ISS:
DATE INDICTED:
DATE RELEASED:
BOND AMOUNT:

\$.00

DATE ARRESTED:
DATE FILED: 11/19/2004
DATE HEARING:
SURETIES:DATE 1:
DATE 2:DESC:
DESC:TIME: 0000
TIME: 0000

TRACKING NOS: CC 1999 000327 00 /

DEF/ATY:

TYPE:

TYPE:

00000

00000

PROSECUTOR:

WITH CSE: CC199900032700 CHK/TICKET NO:
DURT REPORTER: SID NO: 000228961 GRAND JURY:
DEF STATUS: PRISON DEMAND: OPER: TOR

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
12/01/2004	ASSIGNED TO: (SMG) (AR01)	TOR
12/01/2004	CHARGE 01: RULE 32-FELONY/#CNTS: 001 (AR01)	TOR
12/01/2004	FILED ON: 11/19/2004 (AR01)	TOR
12/01/2004	INITIAL STATUS SET TO: "P" - PR (AR01)	TOR
12/01/2004	CASE ACTION SUMMARY PRINTED (AR08)	TOR
12/01/2004	CAS ATTACHMENT PRINTED (AR08)	TOR
12/01/04	Copy Sent to DA	
12/17/04	States Answer	
Received 1-28-05	Order granting Petitioner's request that filing fees be waived due to his substantial hardship status; Ordered that Petitioner is granted permission for filing of the Petition in this cause without immediate payment of a filing fee. Ordered that Petitioner is required to pay a filing fee in the amount of \$201.00 in this cause; And the Al. Dept. of Corr. is directed to	

FELSON

ACRO369 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATIONCASE: CC 1999 000327.61
JUDGE ID: SMG

STATE OF ALABAMA

VS

MINNIFIELD JOHN WILLIE

DATE

ACTION, JUDGMENTS, CASE NOTES

withhold 50% of each dollar the Petitioner receives...
~~Dismissed~~
Abused Petitioner's Rule 32 Petition.

03/08/05 NOTICE OF APPEAL w/ FORMS

03/08/05 APPEAL TRANSMITTAL TO CRM APPLS, AG, DA & DEF.

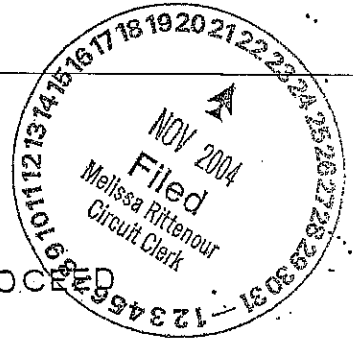
Case Number

CC 99 327.61
ID YR. NUMBER(To be completed
by Court Clerk) *mtt*

IN FORMA PAUPERIS DECLARATION

IN The MONTGOMERY COUNTY CIRCUIT
(Insert appropriate court)John Willie Minnifield #112145
(Petitioner)

vs.

MONTGOMERY CO. CIR. CT. ET ST ALABAMA
(Respondent(s))DECLARATION IN SUPPORT OF REQUEST TO PROCEED
IN FORMA PAUPERIS

I, John Willie Minnifield #112145, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? Yes _____ No X
- a. If the answer is "yes", state the amount of your salary or wages per month, and give the name and address of your employer.
20th day of Nov. 1998 - \$1600 hrs
- b. If the answer is "no", state the date of last employment and the amount of the salary and wages per month which you received.
20th day of Nov. 1998
2. Have you received within the past twelve months any money from any of the following sources?
- a. Business, profession, or other form of self-employment?
Yes _____ No X
- b. Rent payments, interest, or dividends?
Yes _____ No X
- c. Pensions, annuities, or life insurance payments?
Yes _____ No X
- d. Gifts or inheritances?
Yes _____ No X
- e. Any other sources?
Yes _____ No X

If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve months.

3. Do you own cash, or do you have money in a checking or savings account?

Yes _____

No ☒

(Include any funds in prison accounts.)

If the answer is "yes", state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes _____

No ☒

If the answer is "yes", describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on 11-19-2004

(Date)

John Willie Minnifield #112145
Signature of Petitioner

CERTIFICATE

I hereby certify that the petitioner herein has the sum of \$ 04¢ on account to his credit at the institution where he is confined. I further certify that petitioner likewise has the foregoing securities to his credit according to the records of said BULLOCK COUNTY CORR. FACILITY institution:

No transactions during the past 12 months
11/18/04
DATE

PREPARED BY: Jatay Faulkner
BULLOCK COUNTY CORR. FACILITY
BUSINESS OFFICE/ACCOUNT CLERK
P.O. BOX 5107
UNION SPRING, AL. 36088
DATE 11/18/04

AUTHORIZED OFFICER OF INSTITUTION

PETITION FOR RELIEF FROM CONVICTION OR SENTENCE

(Pursuant to Rule 32,
Alabama Rules of Criminal Procedure)

Case Number

CC 99 327
ID YR NUMBER

IN THE MONTGOMERY COUNTY CIRCUIT COURT OF MONTGOMERY, ALABAMA

John Willie Minnifield vs. MONT. CO. CIR. CT. ET STATE OF ALABAMA
Petitioner (Full Name) Respondent

[Indicate either the "State" or,
if filed in municipal court, the
name of the "Municipality"]

Prison Number 112145 Place of Confinement BULLUCK CO. CORR. FACILITY

County of conviction MONTGOMERY

NOTICE: BEFORE COMPLETING THIS FORM, READ CAREFULLY
THE ACCOMPANYING INSTRUCTIONS.

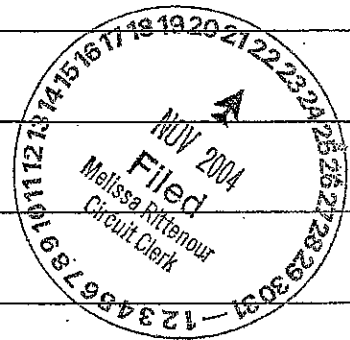
1. Name and location (city and county) of court which entered the judgment of conviction
or sentence under attack MONTGOMERY COUNTY ALA.

Hon. Sally Greenhaw

2. Date of judgment of conviction Feb 10th 2000

3. Length of sentence 20 years

4. Nature of offense involved (all counts) STALKING



5. What was your plea? (Check one)

- (a) Guilty _____
(b) Not guilty X
(c) Not guilty by reason of mental disease or defect _____
(d) Not guilty and not guilty by reason of mental disease or defect _____

6. Kind of trial: (Check one)

(a) Jury ☒(b) Judge only ☐

7. Did you testify at the trial?

Yes ☒No ☐

8. Did you appeal from the judgment of conviction?

Yes ☒No ☐

9. If you did appeal, answer the following:

(a) As to the state court to which you first appealed, give the following information:

(1) Name of court CRIMINAL COURT OF APPEALS(2) Result AFFIRMED(3) Date of result SEPT 2000

(b) If you appealed to any other court, then as to the second court to which you appealed, give the following information:

(1) Name of court UNITED STATES DISTRICT COURT(2) Result DENIED WITHOUT PREJUDICE(3) Date of result OCT 2004

(c) If you appealed to any other court, then as to the third court to which you appealed, give the following information:

(1) Name of court _____

(2) Result _____

(3) Date of result _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☒

No ☐

11. If your answer to Question 10 was "yes", then give the following information in regard to the first such petition, application, or motion you filed:

(a) (1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes _____

No ☒

(5) Result _____

(6) Date of result _____

(b) As to any second petition, application, or motion, give the same information:

(1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes _____

No _____

(5) Result _____

(6) Date of result _____

(c) As to any third petition, application, or motion, give the same information (attach additional sheets giving the same information for any subsequent petitions, applications, or motions):

(1) Name of court _____

(3) Grounds raised _____

(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes _____

No ☒

(5) Result _____

(6) Date of result _____

(d) Did you appeal to any appellate court the result of the action taken on any petition, application, or motion?

(1) First petition, etc. Yes _____

No _____

(2) Second petition, etc. Yes _____

No _____

(2) Third petition, etc. Yes _____

No _____

**ATTACH ADDITIONAL SHEETS GIVING THE SAME INFORMATION
FOR ANY SUBSEQUENT PETITIONS, APPLICATIONS, OR MOTIONS.**(e) If you did not appeal when you lost on any petition, application, or motion, explain briefly why you did not:

12. Specify every ground on which you claim that you are being held unlawfully, by placing a check mark on the appropriate line(s) below and providing the required information. Include all facts. If necessary, you may attach pages stating additional grounds and the facts supporting them.

GROUND(S) OF PETITION

Listed below are the possible grounds for relief under Rule 32. Check the ground(s) that apply in your case, and follow the instruction under the ground(s):

- ☒ A. The Constitution of the United States or of the State of Alabama requires a new trial, a new sentence proceeding, or other relief.

For your information, the following is a list of the most frequently raised claims of constitutional violation:.

- (2) Conviction obtained by use of coerced confession.
- (3) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (4) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (5) Conviction obtained by a violation of the privilege against self-incrimination.
- (6) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (7) Conviction obtained by a violation of the protection against double jeopardy.
- (8) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (9) Denial of effective assistance of counsel.

This list is not a complete listing of all possible constitutional violations.

If you checked this ground of relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each constitutional violation that you claim, whether or not it is one of the nine listed above, and include under it each and every fact you feel supports this claim. Be specific and give details.

☒ B. The court was without jurisdiction to render the judgment or to impose the sentence.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

☒ C. The sentence imposed exceeds the maximum authorized by law, or is otherwise not authorized by law.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

☐ D. Petitioner is being held in custody after his sentence has expired.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

☒ E. Newly discovered material facts exist which require that the conviction or sentence be vacated by the court, because:

The facts relied upon were not known by petitioner or petitioner's counsel at the time of trial or sentencing or in time to file a post-trial motion pursuant to rule 24, or in time to be included in any previous collateral proceeding, and could not have been discovered by any of those times through the exercise of reasonable diligence; and

The facts are not merely cumulative to other facts that were known; and

If the facts had been known at the time of trial or sentencing, the result would probably have been different; and

The facts establish that petitioner is innocent of the crime for which he was convicted or should not have received the sentence that he did.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

- X F. The petitioner failed to appeal within the prescribed time and that failure was without fault on petitioner's part.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

13. IMPORTANT NOTICE REGARDING ADDITIONAL PETITIONS RULE 32.2(b) LIMITS YOU TO ONLY ONE PETITION IN MOST CIRCUMSTANCES. IT PROVIDES:

"Successive Petitions. The court shall not grant relief on a second or successive petition on the same or similar grounds on behalf of the same petitioner. A second or successive petition on different grounds shall be denied unless the petitioner shows both that good cause exist why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and that failure to entertain the petition will result in a miscarriage of justice."

- A. Other than an appeal to the Alabama Court of Criminal Appeals or the Alabama Supreme Court, have you filed in state court any petition attacking this conviction or sentence?

Yes X No _____

- B. If you checked "Yes," give the following information as to earlier petition attacking this conviction or sentence:

- (a) Name of court POST CONVICTION
 (b) Result Denied Without Notifying Me
 (c) Date of result 200 9-25-2002
 (attach additional sheets if necessary)

- C. If you checked the "Yes" line in 13A, above, and this petition contains a different ground or grounds of relief from an earlier petition or petitions you filed, attach a separate sheet or sheets labeled: "EXPLANATION FOR NEW GROUND(S) OF RELIEF."

On the separate sheet(s) explain why "good cause exists why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and [why the] failure to entertain [this] petition will result in a miscarriage of justice."

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes _____ No X

5. Give the name and address if known of each attorney who represented you at the following stages of the case that resulted in judgment under attack:

- (a) At preliminary hearing NA
- (b) At arraignment and plea John Hartley
- (c) At trial _____
- (d) At sentencing _____
- (e) On appeal Esquire Joseph E BURKHART
- (f) In any post-conviction proceeding NA
- (g) On appeal from adverse ruling in a post-conviction proceeding AFFIRMED

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes _____ No ☒

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes _____ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) And give date and length of sentence to be served in the future: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes _____ No ☒

18. What date is this petition being mailed?

Wherefore, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

PETITIONER'S VERIFICATION UNDER OATH 12

SUBJECT TO PENALTY FOR PERJURY

I swear (or affirm) under penalty of perjury that the foregoing is true and correct.

Executed on 11-19-04
(Date)

John W. Minnifield
Signature of Petitioner

SWORN TO AND SUBSCRIBED before me this the 18th day of November, 2004.

L. Dale C. Anthony
Notary Public
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Mar 18, 2007

OR *

ATTORNEY'S VERIFICATION UNDER OATH SUBJECT TO PENALTY FOR PERJURY

I Swear (or affirm) under penalty of perjury that, upon information and belief, the foregoing is true and correct. Executed on _____
(Date)

Signature of Petitioner's Attorney

SWORN TO AND SUBSCRIBED before me this the _____ day of _____, 19 _____.

Notary Public

Name and address of attorney representing petitioner
in this proceeding (if any)

* If petitioner is represented by counsel, Rule 32.6(a) permits either petitioner or counsel to verify the petition.

Court Cop.
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IN THE MONTGOMERY COUNTY CIRCUIT COURT
BRIEF IN SUPPORT
OF RULE 32
C.C. NO: 99-327
CHARGE: STALKING
PRO SE

PETITIONER: JOHN W. MINNIFIELD
BULLOCK CORRECTIONAL FACILITY
P.O. BOX 5107
UNION SPRINGS, ALABAMA 36089-5107

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IN THE MONTGOMERY COUNTY CIRCUIT COURT

JOHN W. MINNIFIELD,
PETITIONER,

-VS-

CASE NO: CC-99-327

MONTGOMERY CO. CIR. COURT, ET, AL.
RESPONDENT,

BRIEF IN SUPPORT OF RULE 32

PRO SE

Comes now the Petitioner on his own behalf file this Petition on an illegal conviction that were deprived from fraud deceptive wife, prosecutor misconduct false imprisonment Court and State intentionally entertain perjury and misleading testimonies. This Court is in violation of Faretta vs California and Brady-vs-Maryland. Trial Judge abused her discretion when sentence the Petitioner to prison time whereas the Petitioner was Ordered by the Court to go too the even program paid for the 16 session by the Petitioner twice furlough from the jail.

The rest on bail thus revoking my bail on the 15th session without probable cause or a proper hearing thus the Court and District Attorney tried to ban me from Montgomery or Alabama if I would go to Florida or Milwaukee, Wisconsin too live with my sister or deceased brother. Banished.

ISSUE FOR REVIEW

1. The Petitioner was convicted of stalking by a jury that excluded black males from the jury a gender violation. The Petitioner moved for a new trial which was denied by Trial Court

2. To be convicted of stalking one must violate the Statute §13A-6-90 by a creditable threat (2) following (3) or harass, the intended victim. The Sworn Affidavit is false and misleading by the ex-wife on the morning of November 23rd 1998 between the hour of 7:00 & 7:30 AM I went to victim place of employment located at 770 Washington Avenue, (1) The Petitioner worked there also but on that

Monday morning the Petitioner did not go to the place of employment but was traveling down Ripley Street when he seen the diswasher dumping trash in the dumpster thus I stopped on the street and left word that I was going out of town for Thanksgiving and upon my return we need to talk and pulled off.

The ex-wife never gets to work before 8:30 or 9:00 AM there was no threat to Washington or lead word or threat: See, pages 111 & 112 of transcript by Vonciel the ex-wife line 11 when asked if he followed you or called your job or home her answer was No!

PROSECUTOR MISCONDUCT

Knowly mislead the jury intentionally in closing argument the prosecutor disruptive my life when he Honorable Daryl Bailey told the jury just what my ex-wife in her testimony said did not happen. The Petitioner objected in a timely manner Honorable Sally Greenshaw overruled when ever the Petitioner was objection to the District Attorney argument in a timely manner Court overruled an act of prejudice before I can explain what the objection was thus See transcript.

2. The prosecutor intentionally struck all black males off the jury and left only three (3) males and nine (9) females the alternate juror was a female thus in essence the jury was stacked by the State in violation of Batson vs Kentucky, 106 S.Ct. 1712 90 L.Ed 2d 69 a gender violation in my release on bail the prosecutor had my bail revoked twice without a proper hearing after Vonciel tried to get a neighborhood kids to lie in claiming Jody Lewis was related to her show she lied under oath in the District Attorney revoking the bail on Monday thus on Thursday the wife with Jody Lewis were before the Court after judge Greenshaw heard from Mr. Lewis whom told the truth he was no kin to her and that I never threaten or mention her name in essence everything she told the District Attorney for my arrest was lies fraud and deception. Thus to violate my Civil Rights the judge released me three (3) months later she lied again without proof and had me locked back up thus at the time there was no Court Order at the time of my arrest thus no stalking.

Pre Trial Counsel knew he did not properly represent the Petitioner or investigate anything thus I filed a Motion for his removal from the case Court never responded on day of trial thus the Petitioner Petition the Court to have him removed from the case which was granted ten minute before trial or selection of the jury See; TR of record page ____ Trial Judge did not give the faretti hearing as required under the Constitution of Alabama or the United States Constitution in Alabama Supreme Court this Court written in its collogy when Court give the danger of self representation but do not tell the accused he has the right to ask for counsel anytime during the proceedings one is entitled to be told he can have counsel to representation of him to deny the accused this enity would deny a fair trial cause for reversiabile and a new trial.

See; TR Page ... There was never a faretti hearing since nowhere in the record indicated the Petitioner was told he could withdraw his waiver of his right to counsel nothing in the TR indicated that in fact aware he could do so thus the Trial Court's failure to apprise the Petitioner that he had a right to do so at anytime during the proceedings is a reversible error cited in Hairgrove vs State, 680 So.2d 946.

WAIVER OF COUNSEL

On day of trial the Petitioner fired his counsel Honorable John Hartley Trial Counsel and represent himself rather than proceed with Esquire John W. Hartley the Trial Court denied the Petitioner an opportunity to withdraw his waiver of the right to counsel is entitled to a new trial. Williams vs State, 739 So.2d 549 (1999) Ala. Crim. App. and Ex Parte King ____ So.2d ____, 2001 Ala. Lexis 49, and Cofield vs State, 782 So.2d 332 thus not only did judge state I could have counsel at any part of proceedings but Mr. Hartley could not represent me at any stage if I was going to represent self See TR.

FIRST AMENDMENT

The State of Alabama through an act of prejudice and prosecutor Bailey intentionally violated the Petitioner First Amendment Rights in knowingly that from the evidence there was no violation of the Statute §13A-6-90, thus stalking in order to be convicted of stalking there must be an attempt at a credible threat which must be to the intended target. (2) credible threat meaning to be able to carry out that threat or cable to put one in fear of the act towards the commission of the intended target.

When there was no overt act towards the intended target that was conveyed to Mrs. Minnifield on the morning of November 23, 1998.

3. See; TR. Pg. 66 no following, no calling her home or job as told while under oath by Mrs. Minnifield; thus where was the stalking?

4. See; TR. Pg. 66, closing argument District Attorney Bailey given the jury false and misleading information he followed her thus called her job and home etc. Mr. Bailey intentionally mislead the jury.

5. The Statute fails to meet the basic requirements of the due process clause Kolender vs U.S., 461 U.S. 361, 103 S.Ct. 1855 since Alabama Code is deprived from the Code of Michigan See; Staley vs Kurt Jones, Warden, 108 F.Supp. 2d 777 the Statute is Unconstitutional due to Statute contains no mens Rea requirements that carried with its substantial criminal penalties including imprisonment. This Statute stalking is vagueness an overbreath which infringe upon ones First Amendment free speech in the case at bar the State is in violation of the Petitioner First and Fourteenth Amendment. The Petitioner challenge the Unconstitutionality of the Statute that applies to me as in Colautti vs Franklin, 439 U.S. 379, 395, 99 S.Ct. 675 58 L.Ed 2d 596 and or People vs White, 212 Mich. App. 298 536 N.W. 2d 876 the State of Alabama never stated in this case what was illegal which is so vague and abridged the First Amendment.

Statutes 18 a criminal vagueness as a matter of due process a criminal Statute which fails to give a person of ordinary intelligence of fair notice that his contemplated conduct is forbidden by the Statute of which is so indefinite that it encourage arbitrary and erratic arrests and convictions is void for vagueness such

being especially true where the uncertainty induced by the Statute threatens to exercise of Constitutionally protect rights.

The Petitioner was never given these warnings but used exclusive intelligence after the first encounter to stay clear of the wife or come face to face with her there was no threats ... no following ... no harrasing §13A-6-92 definition (A) course of conduct a pattern of conduct composed of a series of acts over a period of time. The State knew this never happen but entertained perjury testimony intentionally without any evidence or investigation to the truth of Voneiel the wife veracity whom is a crack addict ... habitual liar ... thief ... prostitute ... a master of disguise in whom the Petitioner didn't know about.

To be convicted of stalking one must confront the intended target or convey an overt act towards the commission of the act ... The Petitioner filed Post-Conviction on the 19th day of September, 2000 and Court dismissed without prejudice on the 24th day of September, 2002 without notifying the Petitioner in over three months by Circuit Judge Charles Price without evidentiary hearing or time to appeal the denial thus this case must be set aside due to Appellate Counsel fail to raise due process on the jury Batson Motion Gender violation where the State struck all black males of the Petit Jury. See; TR. nine females 3 whites males 1 female Alt. Jury.

False and misleading evidence by witness whom lied and used false name on the advice the ex-wife Court knew these peoples lied under oath to violate the Petitioner First and Fourteenth Amendment to false imprisonment because I would not go along with her drug use at home and in front of the kids. This injustice has went along to long and reversed before the Court and or released out right and or giving of a new trial thus the Petitioner hopes and pray for the relief granted.

PERJURED

The State and Court intentionally entertained perjured testimonies from witnesses that left the Petitioner with less than a fair trial thus the prosecutor without due process believed every thing the wife told him without any investigation on her After eight months in jail the Petitioner was released on bail on own recognizance the wife went to Jody Lewis a friend kid at the age of 17 that I came by his home and questing him on various subjects to whom was the man and what kind of car she drove among other things taken him to the District Attorney on the pretense he was a relative the Petitioner was locked back up on Monday on Thursday there was a hearing present was the wife Jody Lewis and even program teacher before Honorable Sally Greenshaw after hearing the evidence the Court determine she lied about the whole thing.

The Petitioner cites Hamilton vs State, 677 So.2d 1254, a conviction obtained through the use of false evidence must fail See; Mooney vs Holohan, 294 U.S 103, 55 S.Ct. 340 79 L.Ed 214 and Miller vs Pate, 386 U.S. 187 S.Ct. 785---17 L.Ed 2d 690.

SECOND ARREST

The wife lied again without any support or witness to support her allegations other than a false claim to the District Attorney there was nothing to substantiate her claim that I violated the terms of my bail other than a lie to deprive my Constitutional Rights and if she could live in my home then she would make sure I lost everything. See; Trial Transcript Lawanda Benson perjured herself about a threat a gun ... baby sitting etc. and gave false name to court.

Concocted lies by the ex-wife that I stalked her on the 23rd day of November, 1998 yet later on she stated one of her Co-Workers called her at home and stated I left word with the dish washer for her she then go filed a stalking charge on her way to work ... How can one stalk a person when there was no lying in waiting or threaten a person? she lied that her job hired a security guard to protect her Lester Claxton lied that he was hired by the Boss Ronnie Water. See; all the witnesses

testimonies concocted by Vonciel Minnifield. The Petitioner had no way he could receive a fair trial with this conspiracy or given due process now the State is trying to bar him from exercising my day in Court through an act of prejudice known that I am actual innocence a substantial due process under U.S.C.A. Constitutional Amendment 5, ~~Rules of Criminal Procedure Rule 32 Criminal Law 998 (12, 18)~~ given the facts it is impossible to imagine that the Petitioner received a fair trial that satisfied the minimum Constitutional Requirement for a fair trial as guaranteed under the State and Federal Constitutions thus in essence the false testimony could in any reasonable likelihood have affected the judge of the jury that taken three and a half (3½) days to reach a verdict Pre-Trial Counsel never subpoena any witnesses did not investigate of said case and Appellate Counsel was ineffective for not raising but one issue a lesser included offense ... After the Petitioner and Counsel had discussed the deficiency for Appellate Review Batson prosecutor misconduct Pre-Trial Counsel denial of due process.

This case is due to be set aside thus I pray.

Respectfully Submitted,

John W. Minnifield #112145
John W. Minnifield, Petitioner Pro Se
Bullock Correctional Facility
Post Office Box 5107
Union Springs, Alabama 36089-5107

Done this the 25th day of Sept, 2000.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the following parties by United States Mail postage prepaid correctly addressed this the 25th day of ~~Sept.~~, 2000 to:

Montgomery District Attorney
Hon: Ellen Brooks
P.O. Box 1667
~~Montgomery, Alabama 36130-1667~~

Montgomery Circuit Court Clerk
Hon: Melissa Rittnour
251 S. Lawrence Street
Montgomery, Alabama 36104

Montgomery Circuit Judge
Hon: Charles Price
251 S. Lawrence Street
Montgomery, Alabama 36104

Respectfully Submitted,

John W. Minnifield #112145
John W. Minnifield, Petitioner Pro Se
Bullock Correctional Facility
P.O. Box 5107
Union Springs, Alabama 36089-5107

TMH

IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT
MONTGOMERY COUNTY, ALABAMA

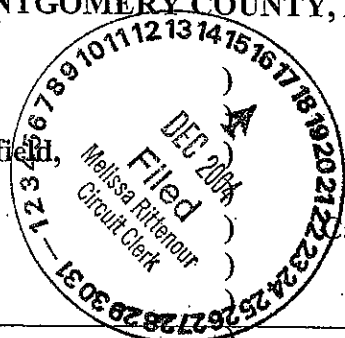
DEFENDANT,

John Willie Minnifield,

v.

STATE OF ALABAMA,

Respondent.



Case No. CC- 99-0327 , 61

STATE'S ANSWER AND MOTION FOR EXTENSION OF TIME

COMES NOW the State of Alabama, by and through its District Attorney for the Fifteenth Judicial Circuit, Eleanor I. Brooks, and moves this honorable court to dismiss the petitioner's successive Rule 32 Petition or in the alternative for an extension of time pursuant to Rule 32.7(a), Ala. R. Crim. P., to further answer Petitioner's Motion for Postconviction Relief pursuant to Rule 32, Ala. R. Crim. P. The State answers the petition as follows:

1. The State denies each and every material allegation in the defendant's petition and demands strict proof thereof.
2. In the alternative, the State pleads the following ground of preclusion and/or summary dismissal:
 - a. The petition is the second or successive petition on the same or similar grounds on behalf of this defendant and relief should not be granted pursuant to Rule 32.2(b), Ala. R. Crim. P.; and/or
 - b. The petition fails to raise any material issue of fact or law which would entitle the Petitioner to relief and no purpose would be served by any further proceedings in this matter; and/or
 - c. The petition is precluded pursuant to Rule 32.2(a)(2), Ala. R. Crim. P., because the issues raised were raised or addressed at trial; and/or

d. The petition is precluded pursuant to Rule 32.2(a)(4), Ala. R. Crim. P., because the issues raised were raised or addressed on direct appeal; and/or

e. The petition fails to state a claim on which relief may be granted; and/or

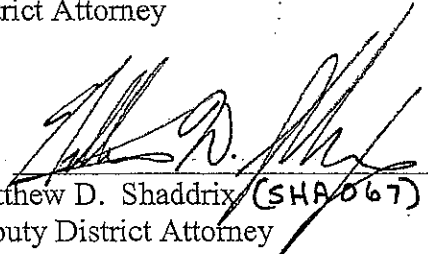
f. The petition is time barred by the two year period of limitations pursuant to Rule 32.2(c), Ala. R. Crim. P.; and/or

g. The petition is not sufficiently specific.

WHEREFORE, the State moves this Honorable Court to dismiss the petitioner's successive Rule 32 petition. If the Court requires additional information from the State in order to rule in this matter, the State humbly requests for an additional ninety (90) days to review the record and prepare the necessary evidentiary showing to prove the grounds pleaded in paragraph two (2), above, and moves the court for leave to amend its answer or, in the alternative, file appropriate motions, namely a motion for summary dismissal.

Respectfully submitted this the 17 day of December, 2002.

Elanor I. Brooks,
District Attorney

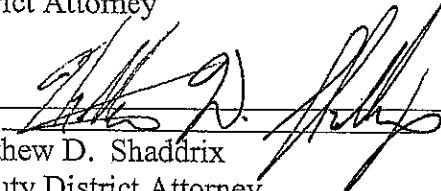
By: 
Matthew D. Shaddix (SHA067)
Deputy District Attorney

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been served upon John Willie Minnifield # 112145, Bullock Correctional Facility, P. O. Box 5107, Union Springs, Alabama, 36089-5107, by placing the same in the U.S. Mail, postage prepaid and properly addressed, this the 17 day of December, 2002.

Elanor I. Brooks,
District Attorney

By: 
Matthew D. Shaddrix
Deputy District Attorney

RESPONDENT

CIRCUIT COURT OF MONTGOMERY ALABAMA

CIRCUIT COURT NO: CC-99-327.60.61 TMA

CIRCUIT JUDGE: S. GREENHAW

HON: CHARLES PRICE

JOHN WILLIE MINNIFIELD

PRO-SE

CHARGED: STALKING OF WIFE

BULLOCK COUNTY CORRECTIONAL FACILITY

POST OFFICE BOX 5107

UNION SPRINGS, ALABAMA 36089-5107



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IN THE MONTGOMERY COUNTY CIRCUIT COURT

JOHN WILLIE MINNIFIELD,
PETITIONER,

-VS-

CC-99-0327

MONTGOMERY CO. CIR. CT. ET. AL.

RESPONDENT,

MOTION TO SUPPORT AND REFUTE
DISTRICT ATTORNEY ASSERTION
PRO SE

Comes now the Petitioner, John Willie Minnifield, in and on his own self file this Petition to Refute Honorable Shaddrix claim asking this Court to dismiss this Petition filed _____, 2004. Thus State claimed second sucesive Petition. The Petitioner agree this is a second Petition See; exhibit (I) Writ of Habeas Corpus after two years before the Court it was denied witout prejudice to afford the Petitioner to refile thus but only through due allengce did I find out some two or three months later not in time for a out of time Appeal.

The Criminal Court of Appeals denied my out of time Appeals due to prejudice whereas I had filed a Federal Habeas Corpus which was also denied without prejudice to allow me to exhaust my State remedy.

(2). This Court and the Criminal Court of Appeals seems to give me the run around knowingly violates the Petitioner Civil and Constitutional Rights I proceeded to go back in the State Court to give this Court the opportunity to correct a wrong that this Court has imposed upon one of its citizen.

(1). There was no warning that the Petitioner would or could be charged with stalking and what constitute stalking thus in checking the T.R. this Court can see; the witness in this case was led by the District Attorney Prosecution misconduct by leading the witness and misleading the jury. The District Attorney's Office says they deny and every allegation. See; exhibit from T.R. extracted from Trial Transcript.

SECOND SUCCESSIVE

See; exhibit Judge Price denied without prejudice so I could refile but did not notify me of his ruling (A) State alleged Second Successive on the same or similar grounds district Attorney Shaddrix cites Rule 32.7A Alabama Rules of Criminal Procedure. This could not be second Successive Petition whereas Trial Court did not in denying the Petition whereas no Evidentiary Hearing or a written specific of what facts was relied upon or which allegations he ruled upon thus the State is required to plead the grounds of preclusion that he believe apply to John Willie Mimifield case giving the notice he need to attempt to formulate arguments and or disprove the existence of the grounds by a preponderance of the evidence. Refers to Rule 32.2 do not provide the type of notice necessary to satisfy the requirements of Due Process that do not meet the burden of pleading assigned to the State by Rule 32.3 George Edward Snipes, 571 So.2d 398 Ala. Crim. App. 1990, See; exhibit pages _____ extracted from T.R. State allege 32.2(B) A through G.

STATE ALLEGED

(F). The Petition is time barred by the two year period of limitation pursuant to Rule 32.2(G), See; (exhibit). Pages _____.

HEARSAY EVIDENCE

Inadmissible under Alabama Law to convict by the State pursuant to the Statute must convey his or her intent to the intended target See; statement of the witness Glorease Purdue whom called Vonciel at home and told her I had been by the building and left word with Nicholas Washington the dishwasher for her in turn she came on to work and gotten Washington to go to the Police Station to say what she wanted him to say thus he did not go until Investigator Cassandra Williams called Vonciel later in the week that Washington had not been down to the Police Station to give his statement. Vonciel assured her he will be there she took him to the station and said what she wanted her to say ... Thus, after all she was his supervisor he perjured himself for her therefore all this garbage came about on Monday the 23rd day of November, 1998.

PREJUDICE BY THE COURT

Honorable Sally Greenhaw abused her discretion before the jury whereas she produced herself as prosecutor and Trial Judge an abuse of discretion ... When Court ordered a free trial transcript the Appellant Counsel knew the entire transcript was not there. See; sentencing portion of transcript not has been given to Appellant or me which was recorded by Court Reporter will show this Court has me serving an unauthorized sentence that cause this case to be set aside ... Rules 32.(A)(4) Ala. Rules of Criminal Prosedure State alleged could have been raised on Direct Appeal which no way Appeal Counsel could have been raised on Direct Appeal this claim by Mr. Matthew D. Shaddrix is without merits in his claims which do not set a formulation to leave anything to argue or set a precedent to address the claims but by way of an Evidentiary Hearing ... Therefore the Petitioner reuest justice and not rule to Summary Dismissal of this case as the State reuested.

OBJECT TO DISTRICT ATTORNEY

Asking this Court for a 90 day extension of time. The Petitioner has met his burden of pleading sufficient facts so as to avoid Summary Disposition of his Motion John Willie Minnifield is entitle to a opportunity to represent evidence in order to satisfy his burden of proof Rule 32.6(B), 32.7(D) John Willie Minnifield has pleaded under 32.3 that entitled him to present and offer evidence to support his claim along with witness including her relatives whom will swear under oath Venciel tried to get them to lie on me to the Court they refused to thus the Petitioner has discovered they are willing to step forward since they know their sister lied to get back in the street on crack and prostitution and train her daughter to be a prostitute like her.

The girls has since left her (1) This Court and District Attorney knowingly entertained perjury testimony along with prosecutor misconduct now the State alleged time barred Rule 32.2(C), See; exhibit pages: _____.

(2). District Attorney claim second successive See; exhibit _____. The Alabama Rules of Criminal Appeal do not allow a 90 day extension of time ... Therefore the District Attorney is trying to change the Rules of Courts without consent from all parties.

Jury Batson vs. Kentucky and Georgia vs. McCallum, 120 L.Ed 2d 33 112 S.Ct. 2348, race and gender base discrimination were all black males was struck from the jury this Court shall make specific findings of facts raised by the Petitioner thus the State erred in its findings that this is a Successive Petition as in Rolling vs. State, 673 So.2d 812 in event the State, See; the record that the Petition for Writ of Habeas Corpus was denied without prejudice by Honorable Charles Price thus again See; exhibit page _____.

The Petitioner cannot be time barred in the prior Petition nothing was adjudicated on its merits thus this Court can see from the transcript that this conviction shall be set aside due to the Appellant Counsel filed an Appeal without a full transcript after the Court Ordered that the Petitioner will be given a full transcript.

See; sentencing is part of the recorded record to prove the H.F.O.A. was not
given in a timely fashion under the requirement of H.F.O.A. Appellant Counsel failure to raise the discrepancy of the error the State did not move to invoke the H.F.O.A. in sentencing must be given prior notice and in a reasonable time i.e. The Ineffective Assistance of the Appellate Counsel ... Now the State is seeking to curivent the ARCP requesting an extra 90 day to review the records. The Petitioner has pleaded his case with sufficient fact that entitle to avoid Summary Disposition of his Motion and therefore must be given the opportunity to present evidence in order to satisfy his burden of proof. The Petitioner hopes and pray for the relief sought by the Honorable Court.

Respectfully Submitted,

John W. Minnifield #112145
John Willie Minnifield, Petitioner
Bullock County Correctional Facility
POST OFFICE BOX 5107
UNION SPRINGS, ALABAMA 36089

Done this the 19th day of January, 2005.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document have been served upon the Montgomery, County Circuit Court Clerk Honorable Melissa A. Bittenour 251 S. Lawrence Street Montgomery, Alabama 36104.

Respectfully Submitted,

John W. Minnifield # 112145
John Willie Minnifield, Petitioner
Bullock County Correctional Facility
Post Office Box 5107
Union Springs, Alabama 36089

Done this the 19th day of January, 2005.

CC: Hon. Matthew D. Shaddrix
Deputy District Attorney
Post Office Box 1667
Montgomery, Alabama 36102

COURT OF CRIMINAL APPEALS
STATE OF ALABAMA
JUDICIAL BUILDING, 300 DEXTER AVENUE
P.O. BOX 301555
MONTGOMERY, AL 36130-1555

Exhibit 36

H. W. "Bucky" McMILLAN
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAB
GREG SHAW
A. KELLI WISE
Judges

Lane W. Mann
Clerk
Wanda K. Ivey
Assistant Clerk
(334) 242-4590
FAX (334) 242-4689

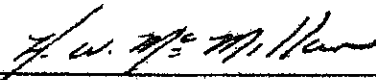
ORDER

CR-02-1677

Ex parte John W. Minnifield (In re: State of Alabama vs. John W. Minnifield) (Montgomery Circuit Court: CV02-2569).

Upon consideration of the above referenced Writ of Mandamus, the Court of Criminal Appeals ORDERS that said petition be and the same is hereby dismissed.

Done this the 17th day of July, 2003.



H.W. "Bucky" McMILLAN, PRESIDING JUDGE

CCA/wki

cc: Honorable Charles Price, Circuit Judge
Honorable Melissa Rittenour, Circuit Clerk
Honorable William H. Pryor, Jr., Attorney General
John W. Minnifield, Pro Se, Petitioner
Honorable Eleanor Idelle Brooks, District Attorney
Office of Attorney General

IN THE SUPREME COURT OF ALABAMA
August 22, 2003

1021826

Ex parte John W. Minnifield. PETITION FOR WRIT OF MANDAMUS: CRIMINAL
(In re: State of Alabama v. John W. Minnifield) (Montgomery Circuit
Court: CV 02-2569; Criminal Appeals: CR 02-1677).

ORDER

The petition for writ of mandamus to be directed to the Honorable Charles Price, Judge of the Circuit Court of Montgomery County, Alabama, having been duly filed and submitted to the Court,

IT IS ORDERED that the petition for writ of mandamus is denied.

Moore, C. J., and Houston, See, Lyons, Brown, Harwood, Woodall, and Stuart, JJ., concur.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 22 day of Aug, 2003

Robert G. Esdale, Sr.
Clerk, Supreme Court of Alabama

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IN THE SUPREME COURT OF ALABAMA

PRO SE

MOTION FOR WRIT OF MANDAMUS

CIRCUIT COURT NO CC-02-2569)

CR NO 02-1677

PETITIONER: JOHN W. MINNIFIELD AIS: 112145
BULLOCK COUNTY CORRECTIONAL FACILITY
P.O. BOX 5107
UNION SPRINGS, ALABAMA 36089

IN THE SUPREME COURT
STATE OF ALABAMA

JOHN W. MINNIFIELD,
PETITIONER,

-VS-

C.R. NO: 02-1677

STATE OF ALABAMA,
RESPONDENT,

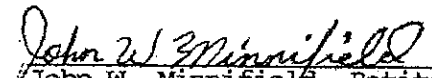
MOTION FOR WRIT OF MANDAMUS
PRO SE

Comes now the Petitioner, John W. Minnifield in and on his own behalf in C.C. No: 00-2569.00 have to be filed this Petition on denial of Due Process by the Montgomery County Circuit Court, attach will be exhibits of the tracking of the Motion filed in a timely manner and the intervention by the Attorney General Honorable Joseph Marston III." not the District Attorney answer nor at the filing of said Motion was to be entertained by sentencing Judge Honorable Sally Greenhaw and or Honorable Daryl Bailey the District Attorney's office did not respond as the Alabama R.C.P. Rule 32.3 and Rule 32.5.

1. Remember this was a Post Conviction Relief Petition still in the hands of the jurisdiction of the District Attorney's Office not Attorney General Office.
2. I was convicted the 2nd day of Feb/2000., there was a Direct Appeal to the Criminal Court of Appeals by Appellant Counsel Esquire Joseph Burkhardt which was Affirmed on or about the _____ day of _____ 2000
3. The Writ of Habeas Corpus was filed on the 25th day of September/2000. See: attach transmission of the writ App. 2 years the Circuit Court dismissed the Petition without prejudice whereas the Court erred in dismissing the Petition styled as a Writ of Habeas Corpus that was still active for 2 years as in Davis v. State, 784 So. 2d 1082

Alabama Criminal App. 2000 and or Long v. State, 673 So. 2d 856 Court dismissed without prejudice without letting the Petitioner know of the denial 2 months later the Petitioner filed a Motion for a Status Hearing on the Petition the Clerk then advised with attach copies of the Court Transmission not in time for an Appeal in conjunction, Mandamus was filed with the Criminal Court of Appeals over a month. The Petitioner written the Clerk inquiring of the Petition, thus the Petitioner was then notified of the Mandamus which was dismissed not denied or granted See: copy without probable cause and or Due Process or the reason for dismissing the Writ whereas the Attorney General and or Circuit Court Charles Price was without jurisdiction to intervene but sentencing Judge and District Attorney should have had jurisdiction to hear the case. This Writ ask this Court to grant the Mandamus and reverse the Court of Criminal Appeals decision and order the Trial Court to grant the Petition or Motion to Amend or treat as a Rule 32 on each issue that could be cognizable in a Rule 32 and or treated on the Merits whereas as actual the Petitioner Due Process is being violated.

Respectfully Submitted,


John W. Minnifield, Petitioner
Bullock Corr. Facility
P.O. BOX 5107
Union Springs, Al. 36089

Done this the _____ day of _____, 2003.

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AVS0351

CV 2000 002569.00

JUDGE: CHARLES PRICE

ALABAMA JUDICIAL DATA CENTER
CASE ACTION SUMMARY
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

JOHN WILLIE MANNIFIELD AIS#112145 VS MONT CO CIRCUIT COURT
FILED: 09/25/2000 TYPE: HABEAS/MAND/PROHIBI TYPE TRIAL: NON-JURY TRACK:

DATE1: CA: DISM W/O PREJ CA DATE: 09/24/2002
DATE2: AMT: \$.00 PAYMENT:
DATE3:

PLAINTIFF 001: MINNIFIELD JOHN WILLIE
AIS# 112145 ATTORNEY: *** PRO SE ***
P. O. BOX 767
CLAYTON, AL 36016-0000
PHONE: (334)000-0000

ENTERED: 10/02/2000 ISSUED: TYPE:
SERVED: ANSWERED: JUDGEMENT: 09/24/2002

DEFENDANT 001: CIRCUIT COURT MONTGOMERY COUNTY
% MELISSA RITTENDOUR ATTORNEY: *** PRO SE ***
251 S LAWRENCE STREET
MONTGOMERY, AL 36104-0000
PHONE: (334)000-0000

ENTERED: 10/03/2000 ISSUED: 10/18/2000 TYPE: SHERIFF
SERVED: 10/20/2000 ANSWERED: JUDGEMENT: 09/24/2002

DEFENDANT 002: ATTORNEY GENERAL
BILL PRYOR ATTORNEY: *** PRO SE ***
11 SOUTH UNION
MONTGOMERY, AL , AL 36130-015
PHONE: (334)000-0000

ENTERED: 10/18/2000 ISSUED: 10/18/2000 TYPE: SHERIFF
SERVED: 10/20/2000 ANSWERED: JUDGEMENT: 09/24/2002

10/02/2000 1. FILED THIS DATE: 09/25/2000
10/02/2000 ... ASSIGNED TO JUDGE: CHARLES PRICE
10/02/2000 ... BENCH/NON-JURY TRIAL REQUESTED
10/02/2000 ... CASE ASSIGNED STATUS OF: ACTIVE
10/02/2000 ... ORIGIN: INITIAL FILING
10/02/2000 ... MINNIFIELD JOHN WILLIE ADDED AS C001
10/02/2000 ... LISTED AS ATTORNEY FOR C001: PRO SE
10/02/2000 ... CORRECTIONS DEPT ADDED AS D001
10/02/2000 ... LISTED AS ATTORNEY FOR D001:
10/03/2000 ... CORRECTIONS DEPT DELETED D001
10/03/2000 ... CIRCUIT COURT MONTGOMERY COUNTY ADDED AS D1
10/03/2000 ... LISTED AS ATTORNEY FOR D001: PRO SE
10/03/2000 ... ATTORNEY GENERAL ADDED AS D002
10/03/2000 ... ATTORNEY FOR D002: (AV02)

10/24/2003

CV 2000 002569.00

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AV90351

CV 2000 002569.00

JUDGE: CHARLES PRICE

ALABAMA JUDICIAL DATA CENTER
CASE ACTION SUMMARY
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

JOHN WILLIE MANNIFIELD AIS#112145 VS MONT CO CIRCUIT COURT
FILED: 09/25/2000 TYPE: HABEAS/MAND/PROHIBI TYPE TRIAL: NON-JURY TRACK:*****
DATE1: CA: DISM W/O PREJ CA DATE: 09/24/2002
DATE2: AMT: \$.00 PAYMENT:
DATE3: **********
10/03/2000 2. ORDER GRANTING HARDSHIP
10/18/2000 3. SHERIFF ISSUED: 10/18/2000 TO D001
10/18/2000 4. SHERIFF ISSUED: 10/18/2000 TO D002
10/19/2000 5. WRIT OF MANDAMUS AMENDED TO SUPERSEDE ANY AND
10/19/2000 ... ALL MOTION OR APPELLANT REVIEW
10/26/2000 6. MOT TO QUASH SERVICE
10/30/2000 7. D001 SERVED SHERIFF ON 10/20/2000
10/30/2000 8. D002 SERVED SHERIFF ON 10/20/2000
11/01/2000 6A. ORDER DATED 11-1-00 GRANTING MOTION TO QUASH
11/01/2000 ... SERVICE ON BILL PRYOR, A.G. OF THE PETITION
11/01/2000 ... FOR A WRIT OF HABEAS CORPUS AD SUBJICIENDUM
11/01/2000 9. PLTFS MOT FOR/OR REBUTTAL OF ATTY JOSEPH
11/01/2000 ... MARSTON III, MOTION TO QUASH SERVICE
11/22/2000 9A. ORDER DATED 11-22-00 DENYING MOTION/REBUTTAL
11/22/2000 ... OF ATTY JOSEPH MARSTON III'S MOTION TO QUASH
11/22/2000 ... SERVICE

09/25/2002 CASE ASSIGNED STATUS OF: DISPOSED (AV01)

09/25/2002 COURT ACTION JUDGE: CHARLES PRICE (AV01)

09/25/2002 DISPOSED ON: 09/24/2002 BY (DISM W O PREJ) (AV01)

09/25/2002 D001 DISPOSED BY (DISM W/O PREJ) ON 09/24/2002

09/25/2002 D001 DISPOSED BY (DISM W/O PREJ) ON 09/24/2002

09/25/2002 D002 DISPOSED BY (DISM W/O PREJ) ON 09/24/2002

09/26/2002 PETITIONERS' HABEAS CORPUS PETITION

10/10/2002 PETITIONERS' MOTION TO AMEND WRIT OF HABEAS

10/10/2002 ... CORPUS

10/29/2002 PETITIONERS' MOTION TO MANDATE RULING

10/29/2002 PETITIONERS' MOTION FOR SUMM DISPOSITION

02/24/2003

CV 2000 002569.00

AV80351

CV 2000 002569.00

JUDGE: CHARLES PRICE

ALABAMA JUDICIAL DATA CENTER
CASE ACTION SUMMARY
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

JOHN WILLIE MANNIFIELD AIS#112145 VS MONT CO CIRCUIT COURT
FILED: 09/25/2000 TYPE: HABEAS/MAND/PROHIBI TYPE TRIAL: NON-JURY TRACK:*****
DATE1: CA: DISM W/O PREJ CA DATE: 09/24/2002
DATE2: AMT: \$.00 PAYMENT:
DATE3: *****

10/29/2002 PETITIONERS' APPOINTMENT OF COUNSEL

P 02/24/2003

CV 2000 002569.00

1 THE DEFENDANT: I understand that.

2 THE COURT: Now, you understand that
3 you would be required to comply with all the rules
4 of procedure and rules of evidence?

5 THE DEFENDANT: Right.

6 THE COURT: And you do have a right

7 to cross-examine the State's witnesses. But if you
8 cross-examine them, you cannot testify at that
9 time.

10 THE DEFENDANT: Right.

11 THE COURT: You have the right to
12 have witnesses also appear on your behalf. Do you
13 understand that?

14 THE DEFENDANT: Right.

15 THE COURT: Now, you have the right
16 to testify, if you choose to. But you also have
17 the right to remain silent; that is, not testify.
18 And that cannot be considered against you. Do you
19 understand that?

20 THE DEFENDANT: I understand.

21 THE COURT: But if you do choose to
22 testify, then the State has a right to
23 cross-examine you and may also ask you about prior
24 convictions.

25 THE DEFENDANT: Right.

1 THE COURT: And do you still want to
2 represent yourself?

3 THE DEFENDANT: Sure.

4 THE COURT: Mr. Hartley, I'm going
5 to still have you available during the trial, and
6 you can sit there at counsel table.

7 Mr. Hartley may offer suggestions during the
8 course of the trial.

9 And, Mr. Hartley, you might -- at the
10 appropriate time, if you make any suggestions and
11 Mr. Minnifield does not take your advice, at some
12 point you may want to put that on the record.

13 So I'm going to ask you again. Do you still
14 want to represent yourself?

15 THE DEFENDANT: Sure.

16 MR. HARTLEY: Your Honor, may I put
17 this on the record?

18 THE COURT: Yes.

19 MR. HARTLEY: I certainly want to be
20 as much of assistance as I can. I'm not in the
21 business of abandoning my clients. I sure like to
22 be right here and help him as much as I can
23 throughout the trial and throughout breaks. I have
24 had access to the file, and he's had access to the
25 file also for considerable periods of time. To

1 help him with documents, I want to be as much
2 assistance as I can possibly be.

3 THE COURT: Well, at this time, I'm
4 going to find Mr. Minnifield -- let me say one
5 other thing, Mr. Minnifield. I am aware that some
6 time ago you had a city appeal where you

7 represented yourself; is that correct?

8 THE DEFENDANT: Sure.

9 THE COURT: And I do recall that it
10 was a verdict in your favor. But this is a much
11 more serious matter, and I'm not sure that the City
12 attorney was as prepared as Mr. Bailey would be and
13 certainly nothing came up about any prior
14 convictions during the course of that. And I think
15 some of the witnesses that might have wanted to be
16 called by the City, your family, did not want to
17 testify. You have a different situation here, so
18 don't think just because you did it once, you
19 understand that it may not be the same result?

20 THE DEFENDANT: I understand.

21 THE COURT: Well, I'm going to
22 explain to the jury that you're representing
23 yourself and that you do have the right to do so,
24 and that Mr. Hartley will be sitting at counsel
25 table and be available for any advice or

1 suggestions you may want to ask.

2 And, as you know, it's the Court's duty to
3 ensure the orderly conduct of the trial. And I
4 don't expect any problem, but if something does
5 develop, I will certainly have to take that up at
6 the appropriate time. So I guess we'll recess

7 unless there's anything else anyone wants to say?

8 If we could have him back here by a quarter
9 till one. Do we need to call the jail? In case
10 there's anything else we need to put on the record?

11 THE BAILIFF: I'll just tell them to
12 keep him on the first floor.

13 THE COURT: And if there's anything
14 else we need to bring up, we can.

15 Mr. Bailey, is there anything you want to put
16 on the record?

17 MR. BAILEY: I don't believe so,
18 Your Honor.

19 (Out of the presence of the
20 defendant.)

21 (Witnesses line up in front of the
22 Judge.)

23 THE COURT: I know that all of you
24 had rather be somewhere other than here, but you're
25 required to be here. You've been subpoenaed. And

1 we're slower getting started than we normally are.
2 And you are under subpoena, and everyone needs to
3 be back here at one o'clock. Do you understand
4 that?

5 THE WITNESS: I've got a question.
6 I've got -- my husband is -- I'm here by myself.

7 I've got three kids.

8 THE COURT: Wait just a minute.
9 What's your name?

10 THE WITNESS: I'm Clemmitha. I'm a
11 witness. And my child -- I've got a child in
12 school. My sister has to be at work, and I have
13 nobody else to babysit.

14 THE COURT: Well, maybe you could
15 take her first.

16 MR. BAILEY: Okay. Clemmitha.

17 MR. HARTLEY: Who were you?

18 THE WITNESS: Clemmitha,

19 C-l-e-m-m-i-t-h-a.

20 MR. HARTLEY: Can the other
21 witnesses just identify themselves just so I'll
22 know who they are?

23 THE WITNESS: I'm Rosebud Brown.

24 THE WITNESS: Pete Rose. Also, I'm
25 a store manager. I have to get to my store, if I

1 could go second or something?

2 THE COURT: You've got an hour and a
3 half, and we'll try to accommodate everyone.

4 THE WITNESS: Lawanda Benson.

5 (Witnesses excused.)

6 (In the presence of the jury.)

7 THE COURT: In just a moment, you'll
8 hear opening statements. After the break this
9 morning, Mr. Minnifield advised the Court that he
10 wanted to represent himself. I appointed
11 Mr. Hartley to represent him, but Mr. Minnifield
12 has the right to represent himself and waive an
13 attorney, and he has done so. So he will be
14 representing himself. But I have asked Mr. Hartley
15 to remain in in the event Mr. Minnifield needs to
16 consult with him or that Mr. Hartley may have some
17 suggestions.

18 Mr. Bailey, are you ready at this time?

19 MR. BAILEY: Yes, Your Honor. May
20 it please the Court, counsel?

21 Control. Ladies and gentlemen, that's why
22 we're here today. That's why you're sitting here
23 today is because of control, because of a man's
24 desire to get control and undue desire to get
25 control. And what happened when he failed to do

1 so? That's what this case is all about. That's
2 what generally stalking is all about. And I expect
3 that during the course of this trial, you're going
4 to hear about the control that this man perpetrated
5 on this woman.

6 Vonciel Minnifield is here today, and she's
7 going to tell you about the events that happened
8 over a pretty long course of time, which makes up
9 the elements of the stalking case that's brought to
10 you today. She's going to tell you that her and
11 Mr. Minnifield were married about approximately
12 October of 1994, and they stayed married, and are
13 still currently married. She's filed for a
14 divorce -- but they stayed together for
15 approximately a little over three years, almost
16 four years. And she's going to tell you about that
17 when they first met, everything was lovely, as it
18 is in most normal relationships. She had no idea
19 that the man that she was about to marry, would
20 marry, was going to turn out the way he did. No
21 clue.

22 She'll tell you that everything rocked along
23 pretty good in their marriage, and then little by
24 little, they started having problems. She started
25 noticing his want to control her, to know where she

1 was at all times. She'll tell you that he began to
2 become verbally abusive to her, to intimidate her.
3 She'll tell you what happened one day when her and
4 her kids had gone somewhere. It was a stormy
5 day -- stormy night -- *DA misleading JURY*

6 THE COURT: Mr. Bailey, wait just a

7 minute. Are you a witness in this matter?

8 MR. BAILEY: She's with our office,
9 Judge.

10 THE COURT: Okay.

11 MR. BAILEY: -- stormy night, and
12 she and the kids came home to their marital home
13 and found that all the doors in the house, the
14 locks had been changed. They had nowhere to go.
15 They couldn't get ^{the} him to let them in, so her and
16 the kids decided to go find another place to live.

17 And it was at that time that Vonciel decided
18 that their marriage couldn't be saved, that she
19 wasn't going to stay in the marriage that she was
20 in. And she decided finally to do something about
21 it, Vonciel thinking that finally maybe this is the
22 break that she needed to get her life back on
23 track, to get away from all this control and all
24 this intimidation and all this harassment. But
25 little did she know that was only the beginning,

1 only the beginning of her nightmare.

2 Now, during the course of my career of
3 prosecutor, I don't find very much the victims are
4 ever really happy to come into court, really feel
5 good about coming into court. But I know I can say
6 this about Vonciel -- and I'm not saying that she

7 enjoys this process -- but for the Grace of God,
8 ladies and gentlemen, I would be standing up before
9 you right now, and this table would be empty and I
10 would be telling you about murder in the first
11 degree, but for the Grace of God.

12 Ladies and gentlemen, what happened after
13 Vonciel and her children left the marital home?
14 The defendant began to call her on the telephone.

15 THE DEFENDANT: Object.

16 THE COURT: I'm going to overrule
17 your objection if this is what --

18 MR. BAILEY: The evidence will
19 show --

20 THE COURT: -- you expect the
21 evidence to show.

22 MR. BAILEY: The evidence will show
23 in this case that the defendant began to call her
24 on the telephone, harassing, threatening her life.
25 The defendant would show up her at workplace --

1 THE DEFENDANT: I'm objecting on
2 that.

3 THE COURT: I'm overruling. He has
4 a right to tell the jury what he expects the
5 evidence to show. And you will be able to tell the
6 jury what you expect the evidence to show.

7 Go ahead.

8 MR. BAILEY: The defendant would
9 show up at her workplace telling her co-workers
10 quite frankly that she better watch out, that he
11 was going to get her.

12 He would show up at her babysitter's house.
13 He even showed up at one of her babysitter's house
14 with a gun. We expect Lawanda Benson to come in --

15 THE DEFENDANT: Object.

16 MR. BAILEY: -- and testify --

17 THE DEFENDANT: Object.

18 THE COURT: Mr. Minnifield, he has a
19 right to tell the jury what he expects the evidence
20 to show.

21 Go ahead.

22 MR. BAILEY: I expect Lawanda Benson
23 to come in and tell you what happened one night.
24 Mr. Minnifield showed up wanting to know where
25 Vonciel was. He told Lawanda Benson what he was

1 going to do to Vonciel, and you can hear that for
2 yourself when she testifies. He showed her a gun.
3 He's come to her church on multiple times harassing
4 her, trying to find her, threatening her. He's
5 contacted her friends and her family on numerous
6 occasions.

7 We also expect the evidence to show that
8 during the course of these events that were being
9 perpetrated upon Vonciel, she filed several charges
10 against Mr. Minnifield down at the municipal
11 court -- charges such as harassment, reckless
12 endangerment for running her off the road at one
13 time.

14 And we expect the evidence to show, and
15 Ms. Minnifield will tell you, that the defendant
16 was found guilty down at the city court on those
17 charges. The stalking case that's brought to you
18 today is done through a course of conduct.

19 Stalking is a law which encompasses a course
20 of conduct. It's not just one incident as you
21 would have in any other case, such as a robbery, or
22 shoplifting, or a murder. Stalking consists of a
23 whole course of conduct. And that's what you're
24 going to hear today. You're going to hear a whole
25 course of conduct that was perpetrated upon Mrs.

1 finding of this indictment, John Willie Minnifield,
2 alias, John Willie Minnifailed; alias, Willie
3 Minnifield; alias, John W. Minnifailed; alias, John
4 W. Minnifelt; alias, J. W. Minnifailed; alias, John
5 Minnifield; alias, John Willie Minnifield; alias
6 Willie John Minnifelt, whose name is otherwise

7 unknown to the grand jury, John Willie Minnifield,
8 alias did intentionally and repeatedly follow or
9 harass Vonciel Minnifield and made a credible
10 threat, either expressed or implied, with the
11 intent to place that person in reasonable fear of
12 death or serious bodily harm in violation of
13 Section 13A, 690 of the Code of Alabama against the
14 peace and the dignity of the State of Alabama. And
15 that is signed by Eleanor I. Brooks, District
16 Attorney, for the 15th Judicial Circuit of
17 Alabama."

18 Ladies and gentlemen, I expect that the State
19 will prove to you exactly what is contained within
20 this indictment through the testimony, through
21 exhibits, during the course of this trial.
22 Something that I did read in the indictment that I
23 want you to consider throughout the course of this
24 trial -- and those were some of the last words that
25 I read -- against the peace and the dignity of the

1 State of Alabama. Keep that in your mind, and I
2 will address that at a later time.

3 But ladies and gentlemen, the evidence in this
4 case is going to show that Mr. Minnifield
5 perpetrated a course of conduct which the State of
6 Alabama has labeled stalking on Mrs. Minnifield.

7 And once you have been able to hear all the
8 evidence, see all the evidence that's introduced,
9 based on the evidence, I feel that you will find
10 the defendant, Mr. Minnifield, guilty of the crime
11 stalking. Thank you.

12 THE COURT: Mr. Minnifield, if you
13 want to, at this time, you can tell the jury what
14 you expect the evidence to show.

15 THE DEFENDANT: Thank you.

16 My name is John Minnifield. I wish to explain
17 to you all -- and I'm going to show you the
18 evidence -- that this is not a stalking charge. My
19 wife and I, we did have some disagreement. And
20 that disagreement, I'm going to bring up to show
21 you why this occurred. I'm going to show you my
22 wife was cheating. I'm going to show you that my
23 wife was on drugs, and she's still on drugs. I've
24 got in evidence, I'm going to show you several men
25 that she gave diseases to --

1 MR. BAILEY: Judge, I object.

2 THE DEFENDANT: -- including me.

3 THE COURT: Wait just a moment,
4 Mr. Minnifield. I'm sustaining the objection and
5 disregard the comment about other men. That is not
6 admissible evidence. Go ahead.

7 THE DEFENDANT: The witnesses -- the
8 witnesses that I have here today will tell you that
9 John Minnifield was a loving husband who worked
10 four and five jobs to satisfy his family, that at
11 no time John Minnifield ever put his hand on
12 Vonciel Minnifield. He have never. And any kind
13 of threat, nothing but a loving way. I will pass
14 on down to you, I came from a violent family. I've
15 seen abusive. This was never to happen to me and
16 my family.

17 I never locked her out of the house. I'm
18 going to show you that Vonciel, every day, she was
19 just running, running, running. Come in at twelve
20 and one o'clock at night. I worked too hard. I
21 couldn't stand it. My wife left me. I went and
22 searched for her to bring her back. She did come
23 back, but she couldn't keep -- let the street go.
24 She was constant running out there just every
25 night. There was a 13-year-old and a 14-year-old

1 girl in school. And that, I implied, that they get
2 an education. They cannot get an education staying
3 out twelve and one o'clock at night and coming in
4 with her. I get up in the morning. I go to work
5 four and five o'clock in the morning. She's late
6 for work every day, if she go to work. I want you

7 all to see this pattern. All this evidence is
8 going to unfold here.

9 As far as a weapon concern, John Minnifield
10 has had his hand on a gun in thirty years or
11 better. I have no violent past, and I'm not about
12 to start now. I'm sixty years of age. I loved my
13 family, and I felt though this was the last of the
14 row, but I could not stand drugs and what she was
15 doing no more than she could stand the alcohol that
16 I drank. But she drank. But it's not all right
17 for me to drank. But I didn't have a habit of -- a
18 drug habit, a lying habit. I didn't come in lying
19 to my family. I didn't cheat on my family, and I
20 didn't abuse my family.

21 I'm going to show you all of that as the
22 witness come through here. And if you all find
23 John Minnifield guilty, I want you to look at your
24 spouses when you go home --

25 MR. BAILEY: Judge, I object to

1 I-65 exit towards Millbrook, and that's when you
2 tried to run us off the road.

3 Q. Okay. So you is the one that seen me,
4 right? Now, on your statement here, you say that I
5 didn't see you.

6 A. You saw me.

7 Q. You said --

8 A. You looked directly at me.

9 THE COURT: Wait. Let him get
10 through with the question and let her get through
11 with the answer. Go ahead. Repeat your question.

12 THE WITNESS: I'm sorry.

13 Q. You said in your statement right here on
14 Page 13 in the discovery that you nudged me.

15 We was beside each other and you nudged me. The

16 [REDACTED]

17 MR. BAILEY: Judge, I'm going to
18 object. He's testifying again and --

19 THE DEFENDANT: I'm not testifying.
20 I'm telling about what --

21 THE COURT: Wait just a moment. Let
22 him get through with his objection. What was your
23 objection?

24 MR. BAILEY: He's testifying again.
25 He's not asking a question.

1 THE COURT: Mr. Minnifield, you're
2 going to get an opportunity to take the stand and
3 tell your side. Just ask her questions about what
4 she's testified or did on those occasions.

5 Q. I'm asking you, didn't you say on your
6 ~~statement that today he is a judge and~~

7 A. ~~That is correct.~~

8 Q. And pointed to you?

9 A. ~~That is correct.~~ However, the Judge had
10 informed me that I can't say what someone else
11 said, so I had to say when I actually saw you.

12 THE DEFENDANT: You're a
13 professional.

14 MR. BAILEY: Your Honor, I'm going
15 to object. That is totally uncalled for, his
16 comment.

17 THE COURT: I did not hear it. It's
18 probably a good thing. If any of the jurors heard
19 it, then disregard it. Go on to your next
20 question.

21 Q. So you went on and filed charges against
22 me on that occasion, right?

23 A. Yes, I did.

24 Q. You also stated that I ran two cars off
25 the road, a car and a truck?

1 A. ~~It was written from the jail.~~

2 Q. Okay. Nobody reported it. Okay. Now,
3 we're going here to the letter here, dated
4 Wednesday, 11/18/98, 3:31, right? You've seen that
5 exhibit and the jury? Where was this letter
6 ~~written from?~~

7 A. ~~It was written from the jail.~~

8 Q. It was written from the jail?

9 A. ~~Yes.~~

10 Q. On 11/18/98, how could it possibly be
11 ~~written from the jail?~~

12 A. ~~It was postmarked from the jail.~~

13 Q. ~~Do you have the envelope?~~

14 A. ~~Inde.~~

15 Q. Why wasn't the envelope on here?

16 A. ~~The address is on here.~~ I do have the
17 ~~original envelope.~~ I don't have it with me, but I
18 do have it.

19 THE DEFENDANT: ~~I am here to state to~~
20 ~~the jury that this is not evidence.~~

21 THE COURT: I'm going to deny. You
22 can testify and -- concerning -- and you've asked
23 her questions. It goes to the weight more than the
24 admissibility. Go ahead, Mr. Minnifield.

25 Q. Okay. You said Mr. Glaxton, security

1 aiding for Vincent Security Service?

2 A. Yes.

3 Q. You said you hired him to look over you,
4 right?

5 A. ~~Yes.~~

6 Q. Okay. And that was for what reason?

7 A. To protect me from you.

8 Q. Well, on -- okay. You said he accustomed
9 you to ~~being in the protection of you from me?~~

10 A. ~~Yes.~~

11 Q. Have I ever, in my lifetime, put my hands
12 on you?

13 A. ~~Yes.~~

14 Q. In what form?

15 A. ~~Like I started grabbing you shoulders with~~
16 ~~both hands.~~

17 Q. And could you give me a time frame when
18 that were?

19 A. ~~Like in 1992.~~

20 Q. In '92?

21 A. Yes.

22 Q. Is that the only time?

23 A. ~~That's the only time that you've ever~~
24 ~~caused me physically.~~

25 Q. Therefore, have we ever fought? Have I

1 ever had the occasion to put my hands on you in a
2 physical way?

3 A. I know that a few times, one time, I got my
4 point across that you wouldn't do it again.

5 Q. ~~One time, didn't you shake that you did~~
6 ~~beating up on me, you punched me out on 1/16/97?~~

7 You punched me out and Dana called the police?

8 A. That's punched you out?

9 Q. Yes.

10 A. I don't --

11 Q. -- to keep you from hurting because you
12 wouldn't stop beating me right?

13 A. I don't recall ever saying that. I was
14 always too busy being angry. May I see that?

15 Q. Oh, you're going to see it.

16 THE DEFENDANT: Y'all have to
17 apologize for me in taking time because I --

18 THE COURT: Mr. Minnifield, do you
19 want to take it up there and see -- I don't know
20 what it is.

21 THE DEFENDANT: I'm trying to see if
22 that's the proper one. I've got two of them here.
23 It's hard for me to see. I've got -- excuse me
24 just a minute.

25 THE COURT: Could you maybe go to

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1 concluded.

2 And I apologize for my voice. It sort of goes
3 and comes. As I said, it's just this time of the
4 year. We're going to take an early break today
5 because there are a number of things we need to
6 take up outside the presence of the jury. And

7 hopefully, when you come back, we'll be able to
8 start promptly and go more quickly. But I'm going
9 to give you a long break until one o'clock. And at
10 that time, if you'll report to the jury assembly
11 room, we'll get you at one o'clock. Thank you.

12 (Out of the presence of the jury.)

13 THE COURT: Now, Mr. Minnifield, I
14 need to know whether you're requesting at this time
15 to represent yourself or do you want your
16 court-appointed attorney?

17 ~~THE DEFENDANT: I would like to~~
18 represent myself.

19 ~~THE COURT: Mr. Minnifield, before I~~
20 let you do that, I need to ask you a number of
21 things.

22 And has he discussed this possibility with
23 you, Mr. Hartley? I know you've been involved with
24 this case for some time. And, for the record --
25 and I think you've been very instrumental and

1 helpful in looking at alternatives and over the
2 course of it, different ways of resolving this
3 matter, including this morning. But, evidently, he
4 has mentioned to you that he wanted to represent
5 himself?

6 ~~MR. HARRIS: Yes, Your Honor. In~~
7 the course of my contact with Mr. Minnifield over a
8 long period of time, I do recollect that he
9 indicated that he wanted to do some parts of the
10 questioning of witnesses and to present --

11 THE COURT: ~~Well, he can't just do~~
12 ~~some parts of it and you can't pick and choose~~
13 ~~which questions you're going to ask a witness.~~
14 ~~Even if you have two attorneys, only one general~~
15 ~~witness.~~

16 ~~MR. HARRIS: I meant that,~~
17 ~~Judge. He would have to carry~~
18 ~~any and all witnesses and go through, and~~
19 ~~there would be no ability for us to swap and~~
20 ~~for him to do that. I think the court wants to conduct~~
21 ~~the examination possibly of the state and the pal~~
22 ~~with the witnesses, which is all right.~~

23 THE COURT: Well, let me hear from
24 you, Mr. Minnifield. Do you want to represent
25 yourself in this case?

1 ~~THE DEFENDANT: I do prefer to~~
2 ~~represent myself entirely, and I am qualified.~~

3 THE COURT: Well, I'm going to ask
4 you some questions. And, first of all, do you
5 understand that you're charged with stalking and
6 ~~what the elements of that offense are?~~

7 THE DEFENDANT: ~~Sure.~~

8 THE COURT: Now, you have a right to
9 ~~represent yourself, but you also have a right to~~
10 ~~have a lawyer.~~ And ~~I have previously appointed~~
11 ~~Mr. Hartley, and he's been very involved in the~~
12 ~~case, and as an attorney.~~ And ~~the Court has had the~~
13 ~~opportunity to have Mr. Hartley in the court for a~~
14 ~~number of years, and I know that he has skills and~~
15 ~~experience that you do not.~~ Why do you want to
16 ~~represent yourself?~~

17 PROSPECTIVE JUROR: I want to
18 represent myself due to the fact that in the past,
19 there have been some dealing and understanding that
20 I didn't go along with between Mr. Hartley and the
21 State.

22 THE COURT: Give me an example.

23 THE DEFENDANT: For instance, like,
24 I got locked up November '98, and my bail was set
25 at hundred thousand dollars. I go for a bail

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1 hearing and Judge Bright set my bail -- reduced my
2 bail of forty thousand dollars.

3 THE COURT: Well, that was before
4 Judge Bright and would have been involved before
5 Mr. Hartley got in the case. And I do --

6 THE DEFENDANT: That was right.

7 THE COURT: -- know that you made an
8 oral notice to reduce the bond. And there does
9 seem to -- there has been one motion filed, but
10 that was in December by -- that's not in the file,
11 by Mr. Minnifield, and I'll look it over in just a
12 moment.

13 THE DEFENDANT: It was December '98
14 when the bail was reduced to forty thousand
15 dollars, but --

16 THE COURT: Mr. Minnifield, what
17 occurred before Judge Bright does not concern
18 Mr. Hartley or this Court. Were you involved --

19 [REDACTED]
20 THE DEFENDANT: Yes, he was.

21 THE COURT: You were?

22 MR. HARTLEY: Yes, Judge. I don't
23 have a real complete recall, ~~but he was involved~~

24 ~~because -- I don't think I should have said~~
25 ~~that~~ But it seemed to me

1 that she did agree to a reduction of ~~forty~~
2 ~~thousand~~. And there was some delay, Judge, in
3 getting, I think, it possibly recorded in the jail.
4 There may have been something, and I think
5 Mr. Minnifield was disturbed about that.

6 THE COURT: Now, Mr. Minnifield,

7 what is your age?

8 THE DEFENDANT: Sixty.

9 THE COURT: And could you briefly
10 give -- set out your work experience?

11 THE DEFENDANT: Yes. My work
12 experience was the last job I had was contractor,
13 construction, heavy equipment operator, and
14 etcetera.

15 THE COURT: And what other types of
16 work have you done?

17 PROSPECTIVE JUROR: I have been a
18 currier, and I've been chief maintenance man at
19 Wilson and Price. I've been a truck driver.

20 THE COURT: Have you ever been
21 treated for any mental disease or mental health?

22 THE DEFENDANT: No, I haven't. I
23 went and -- when --

24 THE COURT: And the Court is aware
25 that I did -- when you were out on bond, the EVEN

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1 THE DEFENDANT: Sure, because the
2 whole statement --

3 THE COURT: We'll take that up --
4 we'll have a break -- because I don't know what's
5 there. Go on to your next question.

6 Q. Okay. Vonciel, on the night of October

7 30th, right, you said -- and I quote you -- are you
8 telling this jury here that I threw you out the
9 window?

10 A. On the night of the 29th, you did.

11 Q. On the 29th, yes.

12 A. Yes, you did.

13 Q. That I threw you out the window?

14 A. Yes.

15 Q. And then you got your daughters out?

16 A. Eventually, yes.

17 Q. Eventually. Now, in your statement you
18 said that -- yes, you said I threw you out. But
19 you also said I threw your daughter out the window?

20 A. My oldest daughter was running from you
21 because you had a hatchet after her held up in the
22 air.

23 THE COURT: His question was: In
24 your statement, did you say that that happened to
25 your daughter?

1 Q. That's right. Did you said that?

2 THE COURT: Maybe you could show her
3 that page. If you tell Mr. Bailey where you are,
4 he could go show it to her.

5 THE DEFENDANT: He'll find it right
6 in there. And we'll go on to Ashley.

7 Q. Did that you say that I tried to hit her
8 with the hatchet or what or --

9 A. No, I did not.

10 Q. What the statement you said on that as of
11 my age, I forget.

12 A. What are you asking me?

13 Q. I'm asking you about Ashley. Did I
14 threaten her with the hatchet or what? Only what
15 you're saying now, not what you say you heard.

16 A. I can expect that she felt threatened
17 when she opened the bathroom door. The reason she
18 opened the bathroom door is because --

19 THE COURT: Wait just a minute. I
20 think he's just asking -- and it might help the
21 jury. You have two daughters. And is Ashley what
22 age, and the younger one?

23 THE WITNESS: Yes, ma'am.

24 THE DEFENDANT: Ashley, 13.

25 THE COURT: And he's just asking

1 whether or not you're saying he went after her with
2 the hatchet.

3 A. I'm saying you threatened all of us that
4 night, yes.

5 THE COURT: But now, listen to his
6 question. Did he go after her with the hatchet,

7 the younger one?

8 A. He went to the bathroom door with the
9 hatchet raised in the air, and she was in there.

10 THE DEFENDANT: I'm satisfied with
11 that. Your witness.

12 THE COURT: Anything else from her?

13 MR. BAILEY: I think I only have one
14 other question.

15 REDIRECT EXAMINATION

16 BY MR. BAILEY:

17 Q. Mrs. Minnifield, I can't remember if I
18 asked you this or not. Have you actually filed for
19 a divorce against Mr. Minnifield?

20 A. Yes, sir, just recently.

21 Q. Okay.

22 MR. BAILEY: That's all the
23 questions I have.

24 THE COURT: Let's take another
25 fifteen-minute recess. It might be one of the last

1 another area, and we could come back to that? Let
2 Mr. Hartley look through that.

3 Q. Okay. If -- I want to ask you something.
4 When Mr. -- when I did come to Auburn, right, you
5 see me? Like you say, did I show any kind of force
6 or, like, I was standing up just watching you? Did

7 I try any threat or anything?

8 A. No. You just stood there and looked at
9 me -- just stood there and watched me. And then
10 when you walked towards me, I walked towards the
11 security guard and informed him that you were
12 there.

13 Q. And then what happened?

14 A. Then they escorted you off the premises
15 because it was an invitation only party.

16 Q. They just walked up to me and did that
17 or --

18 A. They walked up to you, and you informed
19 them that you wanted to talk to me. And my boss
20 and Mr. Glaxton, who is the security guard, told
21 you that you weren't going to talk to me, that you
22 were going to talk to them. And they took you to
23 the street and talked to you. I don't know what
24 was said.

25 Q. Okay. Vonciel, do you remember in your

1 statement that you gave -- it's in one of these
2 here, and we're going to find it in a few minutes.
3 I'm going to let him find it due to my eyesight --
4 that [REDACTED] a
5 [REDACTED]

6 A. [REDACTED] you

7 walked away and the [REDACTED] direction
8 you went. [REDACTED] did
9 run to catch [REDACTED]

10 Q. Now [REDACTED] feet
11 [REDACTED] ago, you said they just
12 walked up me?

13 A. [REDACTED] they ran
14 and got you, they walked you to the street.

15 Q. And forced me to leave, huh?

16 A. I don't know if they forced you. I don't
17 know what was said. I wasn't at that point.

18 Q. Okay. It says here, [REDACTED] guard
19 and my boss, when they walked towards him, he
20 turned away and started walking away from the scene
21 real fast. And [REDACTED] him
22 down. They stood there and [REDACTED] as him
23 approximately thirty minutes and told him that he
24 had to leave the premises."

25 [REDACTED]

1 Q. Is ~~that the~~ statement you've given?

2 A. ~~That's correct.~~

3 Q. Now, you said while ago, you said, you
4 ~~know, they walked up to me?~~

5 A. Well, it doesn't matter. They walked and
6 ~~they ran. They had no idea because you walked away~~

7 ~~is.~~ You didn't want to talk to them evidently.
8 When ~~they ran and caught you, you guys stopped and~~
9 ~~they walked you to the street, so it was a matter~~
10 ~~of both.~~

11 Q. Why didn't you file charges in Auburn?
12 There was plenty of police around.

13 A. Yes, there was.

14 Q. Why did you did not file charges or
15 notify the police there?

16 A. In Auburn?

17 Q. Sure.

18 A. Because I thought -- and ignorant to the
19 fact of the law -- I thought I could come back and
20 do it here. But when I came here, I went to the
21 city police to file charges, and they actually told
22 me I had to do it in Auburn.

23 Q. It is no reason for ignorance of the
24 facts.

25 MR. BAILEY: Your Honor --

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1 THE COURT: Don't comment.. Just go
2 to your next question.

3 Q. Okay. I'm coming back to Page 10. Y'all
4 excuse me. This is referring back to where she
5 pointed me out.

6 THE COURT: Just go on to your next
7 question.

8 Q. The question was: There was also a
9 warrant for harassing that was signed November 16
10 of '97. Do you have any idea? Okay. That could
11 have possibly been the time that --

12 THE COURT: Wait. What is your
13 question?

14 THE DEFENDANT: The question is: I
15 asked her about where she pointed me out. She said
16 we had never made physical contact with each other.
17 But she told in here, says she points me out.

18 A. The contact --

19 Q. And I want to know how and why.

20 THE COURT: Why don't you just read
21 that one portion?

22 MR. HARTLEY: He's got it, Judge.

23 THE DEFENDANT: That's what I'm
24 reading.

25 THE COURT: Go ahead.

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1 MR. BAILEY: Your Honor, if I could?
2 If he could ask the question and then read the
3 entire answer.

4 THE DEFENDANT: Okay. I asked the
5 question on this.

6 MR. BAILEY: I mean the question on
7 the sheet.

8 Q. The question on Page 10. "Did you say
9 that you had probably been this time that he showed
10 me and I punched him?"

11 A. The only time I can recall ever
12 physically having contact with you was the night
13 you came in with the hatchet. And as I stated
14 earlier, I couldn't get you off me. You couldn't
15 get me off you. And that's the time we went round
16 and round. That's the only time I can remember
17 physical contact. And yes, I did hit you to
18 protect myself as well as you were hitting me.

19 Q. On what night or day?

20 A. That night was the night of the 29th.
21 The documents are stated the 30th because it was
22 the change of day.

23 Q. Okay.

24 THE DEFENDANT: I want this to go in
25 evidence as Page 10.

1 THE COURT: Well, I think it's -- is
2 it already in or not?

3 MR. BAILEY: That's her statement.

4 THE DEFENDANT: That's her
5 statement.

6 THE COURT: Okay. If you want to
7 get that marked as Defendant's Exhibit 1, you can
8 do so, and it will be admitted.

9 THE DEFENDANT: Yes.

10 MR. BAILEY: Judge, we would object
11 just to that portion. If he's going --

12 THE COURT: Well, you can certainly
13 follow up.

14 MR. BAILEY: What I'm saying, I
15 guess, Your Honor, is we would ask that the whole
16 statement be admitted.

17 THE COURT: You can follow up and do
18 that.

19 THE DEFENDANT: The whole exhibit is
20 Exhibit 1.

21 MR. BAILEY: Are you offering the
22 whole statement?

23 THE DEFENDANT: Yes.

24 MR. BAILEY: I mean, the whole
25 statement?

1 or less, I told him that I didn't want him putting
2 his hands on me. But I didn't call the police or
3 anything. And that kind of alarmed me.

4 Q. So you were married in October '94,
5 correct?

6 A. Yes.

7 Q. And did y'all live together -- how long
8 did y'all live together as man and wife?

9 A. Four years.

10 Q. So, approximately, sometime in 1998,
11 y'all were no longer living together; is that
12 correct?

13 A. Yes, sir.

14 Q. Do you know approximately what time frame
15 that would be?

16 A. ~~I want to say July.~~

17 Q. July of 1998?

18 A. Yes, sir.

19 Q. What event caused you two to stop living
20 together, if anything?

21 A. There was an argument. Normally, there's
22 always an argument when he's drunk. And I didn't
23 want to subject my kids to it any longer, so I took
24 my kids and left, as I had done before. We would
25 stay gone an hour or so. And when we would come

1 back, he's normally passed out or asleep. When we
2 came back that night, I remember it was raining and
3 the lock on the front door was changed. And so we
4 went to the back door, and it was changed as well.
5 And the windows, we couldn't get in the windows,
6 and he wouldn't let us in. So I left. And my kids
7 and I stayed at a hotel for two weeks, and I didn't
8 go back. I've never been back.

9 Q. So from that point, did you -- I believe
10 you said it was July of 1998?

11 A. ~~I believe it was.~~

12 Q. Okay. You made a decision to separate
13 from Mr. Minnifield?

14 A. Yes, sir.

15 Q. Now, what I want to do at this point is
16 talk to you about the events that have occurred
17 since your separation with Mr. Minnifield, if it
18 was July of '98 -- whatever date -- since your
19 separation with him. Can you remember,
20 approximately, the first contact that you had with
21 him after your separation?

22 A. ~~After, sir, I stayed in a hotel for~~
23 ~~two weeks~~, I found an apartment in Brookview
24 Apartments. I believe it was the beginning of
25 October. The first incident was where he came to

1 Q. Who was this person?

2 A. Lester Glaxton.

3 Q. And what was the purpose of you hiring
4 Mr. Glaxton?

5 A. Well, my boss had encouraged me to get
6 some protection because my husband was coming up to
7 the different sites that I work at. And Vincent
8 Service does our security. Mr. Glaxton is a
9 supervisor, who is there most of the time, and he
10 more or less watched out for me while I was at
11 work. So I asked him and ~~my boss asked him if he~~
12 ~~would ride along with me to make sure~~
13 ~~everything was okay.~~

14 Q. Did Mr. Glaxton agree to do this?

15 A. ~~Yes, he did.~~

16 Q. Okay. And did ~~Mr. Glaxton go along with~~
17 ~~you to Auburn?~~

18 A. ~~Yes, he did.~~

19 Q. Would you please tell the ladies and
20 gentlemen of the jury what happened once you
21 arrived in Auburn?

22 A. I was there for about an hour, hour and a
23 half, and one of my co-workers says --

24 THE COURT: Now, you can't go into
25 what your co-worker said.

1 Q. Just what you observed.

2 A. I was there for about an hour or hour and
3 a half, and I noticed my husband standing about
4 twenty yards away from me, just standing there
5 looking at me. And I went over and told the

6 ~~security guard, Mr. Chaston, that he was there.~~ And

7 ~~they took him, they took him away from the scene,~~

8 ~~and they talked to him.~~ And, eventually, about

9 ~~thirty minutes later, he left.~~

10 Q. At that time, did Mr. Minnifield ever say
11 anything to you, make any type of contact with you
12 as far as -- I understand maybe visually -- but any
13 type of contact with you as type as verbally?

14 A. ~~Yes. He said, I want to talk to you.~~

15 ~~Can you talk to me? And I just want to talk to~~

16 ~~you.~~ Will ~~you stop~~ and talk to me?

17 Q. Had you given Mr. -- let me ask you the
18 same question about some of the other events you
19 talked about. Did you give Mr. Minnifield
20 permission to ~~come to any of your husband's practices?~~

21 A. ~~No.~~

22 Q. Did you ever give him any permission to
23 come to the Auburn event?

24 A. ~~No.~~

25 Q. Did you ever invite him to either one of

1 those events?

2 A. ~~I was not communicating with him at that~~
3 ~~time.~~

4 Q. Are there any other incidents that have
5 occurred between you and Mr. Minnifield since the
6 date of your separation?

7 A. Yes, sir. ~~He would sit outside of~~
8 ~~church.~~ He did that a couple of times.

9 Q. And where do you attend church?

10 A. ~~New Hope Church of Christ.~~

11 Q. And can you tell us about those
12 occasions, what would happen?

13 A. ~~My uncle who is deceased now, asked~~
14 ~~Mr. Minnifield, my husband, to come in, and they~~
15 ~~would talk to him and counsel him.~~

16 THE COURT: Now, again, you can't go
17 into what somebody else said or did.

18 Q. Mrs. Minnifield, if you will, please --
19 it will help us move things along if you'll just
20 talk about things that you have observed the
21 ~~deceased doing or saying or~~ Don't tell us anything
22 that your uncle said or did or anybody else did
23 except for Mr. Minnifield. Okay?

24 A. ~~He was sitting outside of church and I~~
25 ~~saw him come in, talk to my uncle and go through~~

1 ~~pastor's room.~~ And, therefore, I felt I had a
2 ~~chance to leave, so I got my girls, and I left.~~

3 Q. Was Mr. Minnifield a member of that
4 church?

5 A. ~~No, sir.~~

6 Q. Had he ever been to that church with you?

7 A. ~~I got him to attend once.~~

8 Q. But other than the time that he had
9 attended with you, had he ever been to that church,
10 to your knowledge?

11 A. ~~Not to my knowledge.~~

12 Q. Okay. Now, you have testified about this
13 one event that he came to the church, and you saw
14 him, and when ~~you saw him, you left.~~ Were there
15 any other occasions you saw him at the church?

16 A. ~~None.~~

17 Q. Okay. So it was just that one occasion?

18 A. ~~It was two occasions, but I can't say~~
19 ~~that because someone else saw him there and talked~~
20 ~~to him.~~

21 Q. Okay. Now, Mrs. Minnifield, are there
22 any other incidents that have occurred since you
23 and Mr. Minnifield have separated that you have not
24 told us about?

25 A. ~~I know what that has to do with my job, but~~

1 that's someone else saying it, so I can't
2 elaborate.

3 Q. Have you ever seen him at your job
4 workplace, during this time frame?

5 A. I've seen him parked outside my job, yes.

6 Q. And how many occasions have you seen

7 what?

8 A. Twice.

9 Q. Have you ever received any type of phone
10 calls from Mr. Minnifield?

11 A. No, not directly.

12 Q. When you would see him at your workplace,
13 I believe you said, he was sitting in the car?

14 A. Yes.

15 Q. Where would he be parked -- let me back
16 up just a second. Where is your workplace again?

17 A. It's on the corner of Adams and Ripley
18 and Washington.

19 Q. Okay. Is that in a particular building?

20 A. It's in the NSA Plaza downtown.

21 Q. And where would Mr. Minnifield be
22 sitting?

23 A. Once he was parked on Adams and once on
24 Washington.

25 Q. So that was on two different occasions

1 that you saw him?

2 A. ~~Yes, sir.~~

3 Q. Has anything else occurred between you
4 and Mr. Minnifield since the date of your
5 separation?

6 A. ~~Not that I can recall at this time.~~

7 Q. You said that you had not even received
8 any direct phone calls from Mr. Minnifield, is that
9 correct --

10 A. ~~That's correct.~~

11 Q. -- during this time frame? Had you ever
12 received any type of written correspondence from
13 Mr. Minnifield?

14 A. ~~Yes, sir.~~

15 Q. And can you tell us about those?

16 A. ~~When he was locked up, he wrote me a
17 letter --~~

18 stating that he was very sorry for what had
19 ~~happened in the home~~, and that he just

20 ~~wanted to get on with our lives and~~
21 ~~forget the whole thing.~~

22 Q. ~~Now, I'm going to show you what's been marked as State's Exhibit~~
23 to show you what's been marked as State's Exhibit
24 No. 5. I want to ask you if you can identify this
25 ~~as being a letter from him?~~

IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA

JOHN WILLIE MINNIFIELD,

Petitioner,

v.

CC-99-327.61-TMH

STATE OF ALABAMA,

Respondent.

ORDER

This cause having come before the Court on Petitioner's request that filing fees be waived due to his substantial hardship status, and the same having been considered, it is ORDERED that Petitioner is GRANTED permission for filing of the petition in this cause without immediate prepayment of a filing fee.

It is further ORDERED that Petitioner is required to pay a filing fee in the amount of \$201.00 in this cause; and the Alabama Department of Corrections is directed to withhold 50% of each dollar the Petitioner receives through his Prisoner's Money on Deposit Account and to deliver the same to the Clerk of this Court when the full amount has been collected.

This is the second Rule 32 petition in this matter and most of the assertions therein are barred by Rule 32.2(b) A.R.Cr.P. or are time barred. In addition, the petition is a meandering, rambling discourse which lacks the specificity mandated by Rule 32.6(b) A.R.Cr.P.

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Turning to the allegations which can be gleaned from the petition, the Petitioner reiterates a Batson claim which was raised in an earlier petition. It is thus barred as successive and untimely.

Most of the claims appear to seek a relitigation of the underlying stalking charge. This cannot be done in a Rule 32 proceeding. He also attacks the constitutionality of the stalking charge but fails to state why this claim could not be raised previously.

Finally, Petitioner appears to complain that he was not represented by counsel at trial. This issue is barred because it could have been raised previously. In addition, the claim is without merit. Petitioner demanded that he be allowed to proceed *pro se*. Judge Greenhaw, the trial judge, carefully explained to Petitioner the hazards of proceeding *pro se* and she then required that his appointed counsel remain with Petitioner at trial to give advice.

Wherefore, the petition is DISMISSED.

Done this 28th day of January, 2005.


TRUMAN M. HOBBS, JR.
CIRCUIT JUDGE

cc: John W. Minnifield
AIS# 112145
Bullock CF
PO Box 5107
Union Springs, AL 36089-5107

Matthew D. Shaddrix, DDA
Courthouse box

IN THE CIRCUIT COURT OF Montgomery COUNTY, ALABAMAJohn Willie Minnifield
APPELLANT,

VS.

* CASE NO: 99-0327.61STATE OF ALABAMA,
APPELLEE,NOTICE OF APPEAL TO THE COURT OF
CRIMINAL APPEALS OF ALABAMA1-28th day of Jan, 2005
DATE OF JUDGEMENT

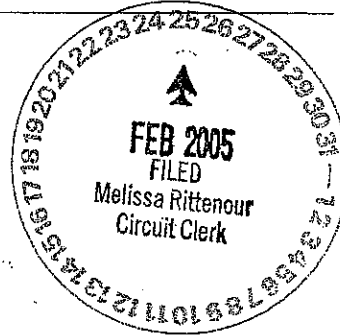
AND

10th day of Febr 2000
POST JUDGEMENT ORDER

Notice is hereby given that John Willie Minnifield, Appeals
to the above named Court from the Judgement of Conviction (1-28-2005)
entered in this Case on the 28th DAY OF JAN., 2005,
or other order
Adjudging the Defendant to be Guilty of the Offense of Stalking,
and punishment thereof, Sentencing the Defendant as Follows: 20 years.

FILED 2-19-2005
DATE

CERTIFIED AS A TRUE COPY.

John Willie Minnifield #11214
PRO-SE APPELLANT

State of Alabama Unified Judicial System	REPORTER'S TRANSCRIPT ORDER -- CRIMINAL <small>See Rules 10(c) and 11(b) of the Alabama Rules of Appellate Procedure (A.R. App.P.)</small>	Criminal Appeal Number CC - 99-0327-61
Form ARAP-1C 8/91		

TO BE COMPLETED BY COUNSEL FOR THE APPELLANT OR BY THE APPELLANT IF NOT REPRESENTED AND FILED WITH THE WRITTEN NOTICE OF APPEAL OR FILED WITHIN 7 DAYS AFTER ORAL NOTICE OF APPEAL IS GIVEN.

☒ CIRCUIT COURT ☐ DISTRICT COURT ☐ JUVENILE COURT OF MONTGOMERY COUNTY
John Willie Minnifield, Appellant

V. ☐ STATE OF ALABAMA ☐ MUNICIPALITY OF _____

Case Number: CC-99-0327.61 T.M.H.	Date of Judgment/Sentence/Order: 28th day of JAN. 2005
Date of Notice of Appeal:	Indigent Status Granted:
Oral:	Written: 2-19-05 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

PART 1. TO BE SIGNED IF THE APPEAL WILL NOT HAVE A COURT REPORTER'S TRANSCRIPT:

I CERTIFY THAT NO REPORTER'S TRANSCRIPT IS EXPECTED AND THAT THE RECORD ON APPEAL SHALL CONSIST OF THE CLERK'S RECORD ONLY. IF THE APPEAL IS FROM DISTRICT COURT OR JUVENILE COURT, I ALSO CERTIFY (1) THAT A STIPULATION OF FACTS WILL BE INCLUDED IN THE CLERK'S RECORD AND THAT THE APPELLANT WAIVES HIS RIGHT TO A JURY TRIAL IF SO ENTITLED; OR (2) THAT THE PARTIES HAVE STIPULATED THAT ONLY QUESTIONS OF LAW ARE INVOLVED AND THAT THE QUESTIONS WILL BE CERTIFIED BY THE JUVENILE/DISTRICT COURT FOR INCLUSION IN THE CLERK'S RECORD (SEE RULE 28(A)(1), ALABAMA RULES OF JUVENILE PROCEDURE, AND §12-12-72, CODE OF ALABAMA 1975).

Signature Date Print or Type Name

PART 2. DESIGNATION OF PROCEEDINGS TO BE TRANSCRIBED. Request is hereby made to the court reporter(s) indicated below for a transcript of the following proceedings in the above referenced case (see Rule 10(c)(2), Alabama Rules of Appellate Procedure (A.R.App.P.)):

MARK PROCEEDINGS REQUESTED:

A. ☐ TRIAL PROCEEDINGS - Although this designation will include the judgment and sentence proceedings, a transcript of the organization of the jury and arguments of counsel must be designated separately.

B. ☐ ORGANIZATION OF THE JURY - This designation will include voir dire examination and challenges for cause. Note that in noncapital cases the voir dire of the jury will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCp.)

C. ☐ ARGUMENTS OF COUNSEL - Note that in noncapital cases the arguments of counsel will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCp.)

COURT REPORTER(S)

FEB 2005

FILED

Melissa Rittenour

Circuit Clerk

IN ADDITION TO ANY PROCEEDINGS DESIGNATED ABOVE, SPECIAL REQUEST IS HEREBY MADE TO INCLUDE THE FOLLOWING PROCEEDINGS IN THE REPORTER'S TRANSCRIPT PORTION OF THE RECORD ON APPEAL. (ATTACH ADDITIONAL PAGES IF NECESSARY):

ADDITIONAL PROCEEDINGS REQUESTED	DATE	COURT REPORTER(S)
D. <u>TRANSCRIPT OF SENTENCING PROCEEDING</u>		<u>Dub HARRIS</u>
E. _____		
F. _____		
G. _____		

IMPORTANT NOTICE: The court reporter who reports the proceedings for which a transcript is requested must be identified on this form to be effective. Additionally, it is important to note that the appellant may not be permitted to raise any issue on appeal relating to any proceedings if the case that are not specifically designated on this form for inclusion in the reporter's transcript. A general designation such as "all proceedings" is not sufficient. (See Rule 10(c)(2), A.R.App.P.)

PART 3. MUST BE SIGNED IF THE APPEAL WILL HAVE A COURT REPORTER'S TRANSCRIPT:

I CERTIFY THAT I HAVE DISTRIBUTED THIS FORM AS SET OUT BELOW. I ALSO CERTIFY (1) THAT I HAVE MADE SATISFACTORY FINANCIAL ARRANGEMENTS WITH EACH COURT REPORTER LISTED ABOVE FOR PREPARING HIS OR HER PORTION OF THE REPORTER'S TRANSCRIPT HEREIN REQUESTED; OR (2) THAT THE APPELLANT PROCEEDED AT TRIAL AS AN INDIGENT AND THAT THAT STATUS HAS NOT BEEN REVOKED; OR (3) THAT THE APPELLANT HAS BEEN GIVEN PERMISSION TO PROCEED ON APPEAL IN FORMA PAUPERIS.

John Willie Minnifield 2-19-05 John Willie Minnifield
Signature Date Print or Type Name

DISTRIBUTION: Original filed with Clerk of Trial Court and copies mailed to: (1) Clerk of the Court for Criminal Appeals; (2) the District Attorney General or the municipal prosecutor in lieu of the District Attorney General; (3) the County Attorney General if the appeal is from municipal conviction; and (4) to each Court Reporter who reported proceedings designated for inclusion in the reporter's transcript.

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State of Alabama Unified Judicial System Form ARAP- 26 (front) 8/91	COURT OF CRIMINAL APPEALS DOCKETING STATEMENT	Criminal Appeal Number
---	--	--------------------------------

GENERAL INFORMATION:

☒ CIRCUIT COURT ☐ DISTRICT COURT ☐ JUVENILE COURT OF MONTGOMERY COUNTY
JOHN WILLIE MINNIFIELD, Appellant

V. ☒ STATE OF ALABAMA ☐ MUNICIPALITY OF _____

Case Number CC-99-0327.61	Date of Complaint or Indictment NOV. 2004	Date of Judgment/Sentence/Order 28th day of January, 2005
Number of Days of Trial/Hearing 4 1/2 Days	Date of Notice of Appeal Oral: _____ Written: 2/19th day of 2005	

Indigent Status Requested: ☒ Yes ☐ No Indigent Status Granted: ☒ Yes ☐ No

B. REPRESENTATION:

Is Attorney Appointed or Retained? ☐ Appointed ☐ Retained. If no attorney, will appellant represent self? ☒ Yes ☐ No

Appellant's Attorney (Appellant if pro se) (Attach additional pages if necessary)
PRO SE JOHN WILLIE MINNIFIELD

Address: POST OFFICE BOX 5107 City: UNION SPRINGS, State: AL. Zip Code: 36089

C. CODEFENDANTS: List each CODEFENDANT and the codefendant's case number.

Codefendant	Case Number
Codefendant	Case Number
Codefendant	Case Number

D. TYPE OF APPEAL: Please check the applicable block.

1 <input checked="" type="checkbox"/> State Conviction	4 <input type="checkbox"/> Pretrial Order	7 <input type="checkbox"/> Juvenile Transfer Order	10 <input type="checkbox"/> Other (Specify): _____
2 <input checked="" type="checkbox"/> Post-Conviction Remedy	5 <input type="checkbox"/> Contempt Adjudication	8 <input type="checkbox"/> Juvenile Delinquency	
3 <input type="checkbox"/> Probation Revocation	6 <input type="checkbox"/> Municipal Conviction	9 <input type="checkbox"/> Habeas Corpus Petition	

E. UNDERLYING CONVICTION/CHARGE: Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.

1 <input type="checkbox"/> Capital Offense - § _____	6 <input type="checkbox"/> Trafficking in Drugs - § _____	11 <input type="checkbox"/> Fraudulent Practices - § _____
2 <input type="checkbox"/> Homicide - § _____	7 <input type="checkbox"/> Theft - § _____	12 <input type="checkbox"/> Offense Against Family - § _____
3 <input type="checkbox"/> Assault - § _____	8 <input type="checkbox"/> Damage or Intrusion to Property - § _____	13 <input type="checkbox"/> Traffic - DUI - § _____
4 <input type="checkbox"/> Kidnapping/Unlawful Imprisonment - § _____	9 <input type="checkbox"/> Escape - § _____	14 <input type="checkbox"/> Traffic - Other - § _____
5 <input type="checkbox"/> Drug Possession - § _____	10 <input type="checkbox"/> Weapons/Firearms - § _____	15 <input type="checkbox"/> Miscellaneous (Specify): <u>STALKING</u> - § _____

F. DEATH PENALTY:

Does this appeal involve a case where the death penalty has been imposed? ☐ Yes ☒ No

G. TRANSCRIPT:

1. Will the record on appeal have a reporter's transcript? ☒ Yes ☐ No
 2. If the answer to question "1" is "Yes," state the date the Reporter's Transcript Order was filed. 2-19-05
 3. If the answer to question "1" is "No":
 (a) Will a stipulation of facts be filed with the circuit clerk? ☒ Yes ☐ No
 (b) Will the parties stipulate that only questions of law are involved and will the trial court certify the questions? ☒ Yes ☐ No

NOTE: If the appeal is from the district or juvenile court and the answer to question "1" is "No," then a positive response is required for question 3(a) or 3(b).

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POST-JUDGMENT MOTIONS: List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rules 20.3 and 24.4 (ARC/P)):

DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Day	Year		Month	Day	Year
11th	28th	2004	Rule 32	1st	28th	2005

NATURE OF THE CASE: Without argument, briefly summarize the facts of the case.

Stalking charged by wife on the 23rd day of November, 1998 wife filed stalking charge were I was nowhere in or near her or her resident thus State knew this but entertained perjury testimony by wife and gotten witness whom she was having sex and smoking crack with to lie on her behalf. We was separated on the 10th day of October, 1998 and she filed this charge on the 23rd day of November, 1998. I am actual innocent of stalking see her past record in Texas and Georgia she did the same things on two other mens she is not concoted but a long time drug user, prostitute, and thief you name it. This was newly discoverly evidence no witness can repeat or would repeat their testimony since they found out about her lying and had me falsly accused to keep me locked up is a miscarriage of justice everything I've said can be proven if this Court let justice prevail. The State says this is a second sucessive Petition I agree that was never ruled upon by the Circuit Court but denied See; Writ of Habeas Corpus filed in 2000 which stayed in Court for over two years and denied without prejudice but failed to notify me after due dillengce of the Status on it. See; exhibits a denial off due process and access to the Court System. I pray for relief and hearing in-matter.

ISSUE(S) ON APPEAL: Briefly state the anticipated issues that will be presented on appeal. (Attach additional pages if necessary.)

- (1). Ineffective Assistant of Counsel Appellate
- (2). Jury Bias and Prejudice a gender violation
- (3). District Attorney misconduct misleading the jury
- (4). Actual Innocent
- (5). See Judge Price denied without prejudice Habeas Corpus
- (6). Entertained by Court perjury testimony knowingly
- (7). Trial Judge did not comply with the Faretta Ruling stating the danger of self representation and that I could at any time during the trial I could ask for counsel. See exhibit
- (8). Incomplete transcript from sentencing phase it was recorded therefore part of the record
- (9). There is a tolling of time through no fault of mines

John Willie Minnifield #112145
NATURE:

John Willie Minnifield #112145

CIRCUIT COURT OF MONTGOMERY COUNTY

Melissa Rittenour
Clerk and Register
251 South Lawrence Street
Montgomery, Alabama 36104

March 8, 2005

Mr. Minnifield;

I found no Trial Orders indicating that there were hearings set for your Rule 32 Petition. Because there were no hearings on your Petition then there will not be a Reporter's Transcript filed in this appeal.

If you wish to request a copy of the transcript recorded during the trial proceedings then you will have to contact the court reporter(s) that was present during those proceedings. You have indicated that you wish to obtain a transcript from court reporter Dub Harris. You may contact Mr. Harris by submitting your request in writing to the following address:

Elmore County Courthouse
Attn: Dub Harris
8935 Hwy 231 Room 232
Wetumpka, Al 36092

Sincerely,

Melissa Rittenour

dbh

cc Court of Criminal Appeals
cc John W. Minnifield

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ACR371

ALABAMA JUDICIAL DATA CENTER

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS
BY THE TRIAL COURT CLERKIN THE CIRCUIT COURT OF MONTGOMERY COUNTY
STATE OF ALABAMA VS MINNIFIELD JOHN WILLIE JUDGE: SARAH M. GREENHAW

APPEAL DATE: 02/19/2005

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT: ☒ YES ☐ NOAPP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL: ☐ YES ☒ NO N/AINDIGENT STATUS REVOKED ON APPEAL: ☐ YES ☒ NOINDIGENT STATUS GRANTED ON APPEAL: ☒ YES ☐ NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION,
WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 03/CC 1999 000327.61

ORDER ENTERED (DATE): 01282005 PETITION: X DISMISSED ☐ DENIED ☐ GRANTED

POST-JUDGMENT MOTIONS FILED:

DT FILED

DT DENIED

CON BY AGREE

☐ MOTION FOR NEW TRIAL☐ MOTION FOR JUDG. OF ACQUIT☐ MOTION TO W/D GUILTY PLEA☐ MOTION FOR ATTY TO W/DRAW☐ OTHER

COURT REPORTER (S):

ADDRESS:

APPELLATE COUNSEL #1:

ADDRESS:

PRO SE

PHONE NUMBER:

000-000-0000

00000

APPELLATE COUNSEL #2:

ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):

ADDRESS:

MINNIFIELD JOHN WILLIE

BULLOCK CORR. FACILITY

UNION SPRINGS, AL 360890000

112145

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS 8th DAY OF March, 2005OPERATOR: DBH
PREPARED: 03/08/2005Melissa Rittenour
CIRCUIT COURT CLERK

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State of Alabama
Unified Judicial System

Form ARAP-14

Rev. 11/91

**CERTIFICATE OF COMPLETION AND
TRANSMITTAL OF RECORD ON
APPEAL BY TRIAL CLERK**Appellate Case Number
_____TO: THE CLERK OF
THE COURT OF CRIMINAL APPEALS OF ALABAMADATE OF
NOTICE OF APPEAL: 02/19/05

APPELLANT

John W. MINNIFIELD

v. STATE OF ALABAMA

I certify that I have this date completed and transmitted herewith to the appellate court the record on appeal by assembling in (a single volume of _____ pages) (_____ volumes of 200 pages each and one volume of _____ pages) the clerk's record and the reporter's transcript and that one copy each of the record on appeal has been served on the defendant and the Attorney General of the State of Alabama for the preparation of briefs.

I certify that a copy of this certificate has this date been served on counsel for each party to the appeal.

DATED this 30th day of MARCH, 2005.

Melissa Rittenour
Circuit Clerk